

INDEPENDENT REVIEW

into sex discrimination
and sexual harassment,
including predatory behaviour,
in Victoria Police

Phase 3 audit and review



Victorian Equal Opportunity
& Human Rights Commission



Victorian Equal Opportunity & Human Rights Commission

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Message from the Commissioner

On 25 June 2019, a 31-year old nurse from Melbourne became the 32nd woman to have been killed in Australia this year in an alleged act of family violence. Eleven children have also died. Countless others have been physically, emotionally and financially abused.

Victoria Police are on the frontline of family and sexual violence in this state. On any given day, 40 to 60 per cent of Victoria Police call outs are in response to family violence.



Family violence is a highly gendered crime and it is symptomatic of, and directly linked to, gender inequality. This inequality presents itself in pervasive sexual harassment in workplaces, sporting clubs, universities and other public spaces. It is manifest in the persistent gender wage gap, the disproportionate burden women carry for caring responsibilities and the growing number of women and children experiencing homelessness seeking safety from violence. It lingers in our outdated notions of roles that are suitable for women and those that are appropriate for men. It is, in its most extreme form, in the sexual assault and abuse of women and young girls and how we believe and support them.

Five years ago, the Commission was approached by Victoria Police to investigate the nature, prevalence, drivers and impact of sex discrimination and sexual harassment, including predatory behaviour, in their organisation. There were several important motivators for this work, but one of the critical questions for Victoria Police was this: 'How can we effectively respond to family and gendered violence if our own organisation is not a safe place for women to come to work?' Another was: 'How do we best ensure the health, safety and wellbeing of the organisation's employees?'

Victoria Police, as one of the state's largest employers, is a microcosm of social, cultural and economic paradigms and the story of women in Victoria Police is in many ways tainted by long-standing sex discrimination, inequality and gendered abuse of power.

Over the course of five years, my team and I have spent thousands of hours in conversation with women who have been sidelined, denigrated and disrespected in the workplace. They have been denied promotions, access to development training, been the subject of sexist jokes, have been humiliated and at times physically assaulted. Many have remained silent about their experiences. For those who have spoken out, they have reported being further victimised and often disbelieved.

This has not just affected individual women. It has reinforced a rigid, hypermasculine policing identity and caused cumulative harm to men and women who have witnessed the culture and shut off parts of themselves to adapt to it. It has also affected the way in which people police.

In 2015, we released our first report into gender inequality in Victoria Police and made 20 recommendations to build the transformative foundations for change. The recommendations were designed to get at the structures and systems, attitudes and biases that affected everything from the way in which women are recruited into and promoted in the organisation, to an ingrained culture of everyday sexism. The report emphasised the importance of leadership and accountability, a compassionate and transparent response to workplace harm, redress for past wrongs and the development of a more respectful and inclusive culture that would allow both men and women to thrive.

Over the five years that we have worked with Victoria Police, we have seen the organisation develop a deeper understanding of what gender equality looks like and how to embed it.

In this final report we assess the work Victoria Police has undertaken to shift their organisation. More than 80 per cent of the 20 recommendations for transformative change have been implemented.

Key achievements include reducing the organisation's gender pay gap by almost two per cent; enabling more employees to work flexibly, up almost 11 per cent for women and almost nine per cent for men; increasing the representation of women at certain ranks; and the establishment of a parental leave backfill scheme that is helping the organisation manage parental leave absences and reduce the stigma around pregnancy and care. Victoria Police has also created a new model to help improve how the organisation responds to complaints of sex discrimination and sexual harassment and played an active role in securing a commitment from the Victorian Government to establish a Redress and Restorative Engagement Scheme for the organisation's employees who have experienced such harm.

While Victoria Police is daily in the public eye, in many ways it is often a closed organisation. My view is that the progress that Victoria Police has made has been because they have done this work in the open. As the state's regulator for equal opportunity and human rights, the Commission was given wide-ranging access to people and data, to understand the specific drivers of gender inequality in the organisation. This allowed us to develop a critical knowledge of the intricacies and dynamics of Victoria Police and use this to develop recommendations that would resonate and work.

This has been a unique partnership. We have played the role of auditor, expert advisor, confidante, supporter and, at times, critic. Both our organisations have approached our roles with firm intent, openness and a willingness to learn and pivot course where necessary. This continual learning has been important because, like any program that seeks to seriously disrupt the status quo, there have been a number of challenges: pockets of serious backlash; a long institutional memory; a demanding operational environment; and a catalogue of past harm, much of which is yet to be reconciled.

However, Victoria Police has shown us what can be achieved when an organisation takes their positive duty to eliminate sex discrimination, sexual harassment and victimisation seriously. It has been a painful reckoning and the stories we have reported are testament to this.

The review has demonstrated the significant benefits of working to achieve systemic reform addressing sex discrimination, sexual harassment and victimisation at work. It has also identified the deficits in the current regulatory framework, which limit the Commission's ability to address the systemic drivers of gendered harm in Victorian workplaces and enforce the law. To ensure that all Victorian employees are safe from workplace harm, the *Equal Opportunity Act 2010* (Vic) must be strengthened to enforce the positive duty and drive greater change.

This deep and transformative change that Victoria Police is working towards takes years and requires constant effort, reflection and analysis. In recognition of the ongoing commitment required, this report provides an additional 16 recommendations for Victoria Police and a method for monitoring progress to achieve gender equality by 2030.

I extend my sincere thanks to Chief Commissioner Graham Ashton for his leadership and humility and to the leaders that preceded him and took serious measures to change the culture in the organisation. I am particularly indebted to the insights and commitment of Assistant Commissioner Luke Cornelius, Deputy Commissioner Wendy Steendam and Acting Assistant Commissioner Lisa Hardeman.

Over the review period my team and I have met extraordinary women and men across all ranks and regions who have shown dedication, compassion, resilience, humour and care for each other and for the millions of Victorians they serve. Their stories are the spirit and purpose of this work. They have, and will continue, to make Victoria Police a safer and more inclusive organisation for women and men. In doing so, they will help make the state safer and more equal for all Victorians.



Kristen Hilton
Victorian Equal Opportunity
and Human Rights Commissioner

Message from the Chief Commissioner of Victoria Police

In 2015, we were confronted with strong evidence from the Victorian Equal Opportunity and Human Rights Commission about the poor treatment of women in our organisation. We responded by making a commitment to significant practice and cultural reform in order to create safe, inclusive and respectful workplaces. A large program of work has since been delivered across the organisation to achieve this change.



The Commission has been supporting us along this journey and now, five years on, it has reviewed the effectiveness of our efforts. So far, it has found that the majority of the recommendations it made in 2015 are being progressed. It has seen improvements across many areas, including in the structures we have established to achieve change, in our attempts to deliver equality throughout women's careers, in the strengthening of our capability and in our responses to workplace harm.

There is much we can be proud of. We have more women in leadership positions. More employees feel confident to call out bad behaviour. We have more flexible work practices.

The achievement I am proudest of is the strong leadership shown by many of our employees to proactively address workplace harm, challenge behaviours and re-set poor workplace cultures. This gives me great confidence in our ability to continue improving our workplace and to address some of the ongoing challenges the Commission outlines for us in this review.

Despite some of the improvements we have made, the Commission shows us that we need to make a longer-term commitment to deliver lasting change. This final review provides us a roadmap to achieve gender equality by 2030. It recognises that the changes we have made so far need to be embedded within our systems and structures and that we still have much work to do to shift behaviours and attitudes that lead to workplace harm.

I am confident that this is work we are capable of leading, both for the benefit of our employees and the community. We have learnt much over the last five years and we will bring these learnings into our next phase of work. We will ensure that our approach is outcome-driven and proactive so that we can prevent harm and empower employees to drive change in their own workplaces. We will build on past successes and innovate new approaches. We will maintain an explicit focus on gender equality as this will give us the best chance of addressing the drivers of sexual harassment, sex discrimination and predatory behaviour. Within this approach, we will ensure we are intersectional so that we capture the multiple experiences of our employees. We will take a leadership role in the community by demonstrating that our efforts to create gender equality in the organisation ensure we are fit to serve the women and children who seek our help for family violence and sexual offences.

I would like to thank the Commission and Commissioner Kristen Hilton for all their work and support since our first review. We have drawn significantly on their expertise over the years and are a much better organisation because of our strong collaboration.

Importantly, I also thank the many employees who came forward to share their stories with the Commission as part of this review. Your courage in coming forward will ensure that our work in this area is informed by the lived experience of our employees.

As Chief Commissioner of Police, I commit to implementing the recommendations of this review through relentlessly focusing our efforts on becoming an organisation in which the opportunities for its employees and the state of valuing their different behaviours, aspirations and needs are unaffected by gender.

A handwritten signature in black ink, appearing to read 'Graham Ashton', with a stylized, cursive flourish at the end.

Graham Ashton AM
Chief Commissioner of Police

Acknowledgements

The independent review has been a long journey, and one that has required the dedication, expertise and courage of many people.

The Commission wishes to acknowledge all current and former Victoria Police employees who have participated in the various review phases, particularly those who have recounted experiencing or witnessing workplace harm. These employees have shown real bravery and, in doing so, have helped us to understand Victoria Police's journey towards gender equality. Whether by sharing insights through focus groups, interviews or surveys, by reflecting on the findings and listening to the experiences of their colleagues, or simply by being open to change, without the participation of Victoria Police's people this journey towards a better organisation would not be possible.

The Commission would like to recognise the significant support Victoria Police has provided throughout phase 3. We especially thank Chief Commissioner Graham Ashton, Deputy Commissioner Wendy Steendam, Deputy Commissioner Rick Nugent, Assistant Commissioner Luke Cornelius, Assistant Commissioner Kevin Casey, Acting Assistant Commissioner Lisa Hardeman and Superintendent Lisa McMeeken, whose tireless leadership has made this review possible.

We would particularly like to acknowledge the sustained commitment and significant courage of Assistant Commissioner Luke Cornelius, who has continued to drive change towards gender equality from within the VEOHRC Review Response, Partnerships and Innovation unit to an operational leadership role. The Commission also acknowledges the considerable support provided by the VEOHRC Review Response, Partnerships and Innovation unit, specifically Rena de Francesco, Kelsey Sully, Nina Calleja, Joel Perlman, Alison Cheney, Inspector Chris Edwards and Superintendent Phil Green.

The Commission would also like to thank Assistant Commissioner Neil Paterson, Acting Superintendent Jill Dyson, Superintendent Therese Fitzgerald, Inspector Mark Keen, Senior Sergeant Kate O'Neill, Senior Sergeant Simon Doherty and Jen Dixon, for their insights, assistance and support.

The review required the collection of extensive data and documentation from across Victoria Police. The Commission would like to thank the staff who provided critical information and acknowledges their willingness to be open and transparent.

We acknowledge the valuable input of the Department of Justice and Community Safety, particularly Police, Fines and Crime Prevention, as well as the support of The Police Association of Victoria and the Community and Public Sector Union.

We recognise the contribution of the many experts who shared their knowledge with us. We are especially grateful for the strategic advice and guidance of the review's Expert Panel members: Major General Gerard Fogarty AO, Professor Paula McDonald and Lucinda Nolan. We are also grateful to representatives of the Independent Broad-based Anti-Corruption Commission and the Police Registration and Services Board for their time and expert insights.

The Commission also pays tribute to our review team: Simone Cusack, Claire Marshall, Gudrun Dewey, Cosima McRae, Lars Landes, Tessa Plueckhahn, Margot Paxman, Alanna Tom, Aubrey Bloomfield, Jordan (Hemei) Fong and others across the Commission, whose dedication, expertise and resilience have made this report possible. We also acknowledge all former staff who worked on earlier phases of the review.

We acknowledge the courage of the former Chief Commissioner of Police, Ken Lay, and the former Victorian Equal Opportunity and Human Rights Commissioner, Kate Jenkins, who began this work.

Finally, to baby Frida, born during the course of the review, who has provided us with moments of levity, delight and inspiration.

Expert Panel

Commissioner Kristen Hilton

Kristen Hilton commenced her role as Victoria's Equal Opportunity and Human Rights Commissioner on 1 June 2016. Prior to her appointment, Kristen was the Executive Director of Legal Practice, with Victoria Legal Aid and previously worked with the organisation as the Executive Director of Civil Justice, Access and Equity. Kristen was the CEO of the Public Interest Law Clearing House (Justice Connect) and has extensive knowledge of current civil law and human rights issues and the needs of marginalised and disadvantaged individuals. Kristen has practised in the private profession and in a number of community legal centres.



The Commissioner's role is to promote and protect human rights and equality across the state and lead the Commission's work in creating a rights respecting culture within organisations, governments and communities. Kristen is the Chair of the Independent Review Expert Panel and chairs the Male Champions of Change group for Fire and Emergency Services.

Major General Gerard Fogarty AO (retired)

On retirement from the Australian Army in November 2013, Gerard assumed the appointment of Chief Executive Officer of Defence Health Limited, a restricted, not-for-profit private health insurance company located in Melbourne.

His military career was predominately in the fields of Command, Leadership and Human Resource Management.

Gerard has served as a Commissioner on the Military Rehabilitation and Compensation Commission and a Deputy Commissioner on the Safety Rehabilitation and Compensation Commission.



He is presently a Director of the Australian Health Service Alliance, Private Healthcare Australia, the Private Health Insurance Code of Conduct Committee and Chair of Members Own Health Funds. He is also a Director of the Defence Health Foundation, an advisor to the Prince's Charities Trust and the Defence Science and Technology Organisation's Human Performance Research Network.

Professor Paula McDonald

Paula McDonald is Professor of work and organisation in the Business School at the Queensland University of Technology. Her research aims to advance social justice goals with respect to work and employment relationships.

From 2010 to 2012, Paula led an Australian Research Council Discovery project, which examined organisational and institutional responses to workplace sexual harassment and its impacts on targets. She worked with the Australian Human Rights Commission on their 2008 and 2012 prevalence studies of sexual harassment and in 2014 on the development of employer resources to address the problem.

Paula has published more than 20 journal articles, book chapters and reports on sexual harassment and gendered forms of discrimination, addressing issues such as prevention and response frameworks, media representations, bystander interventions and dispute resolution processes. She has provided expert evidence and advice to the Canadian House of Commons Standing Committee, Legal Aid Queensland, Queensland Corrective Services and UN Women.



Lucinda Nolan

Lucinda Nolan is currently the CEO of the Ovarian Cancer Research Foundation and has a wealth of knowledge and experience across the public sector and as a director for a number of boards. Prior to joining the Ovarian Cancer Research Foundation, she was selected as the first female CEO of the Country Fire Authority, one of the world's largest volunteer-based emergency services organisations. The Country Fire Authority has a total workforce of 60,000 people and includes paid and volunteer firefighters. They are responsible not only for fighting fires, but also high-angle and trench rescue, as well as responding to serious road crashes.

She also spent 32 years with Victoria Police, reaching the rank of Deputy Commissioner. Much of her role there was dedicated to reductions in crime rates and the continual improvement of service delivery in the face of complex and competing crime, disorder and service demands. She was awarded the Australian Police Medal in 2009.

Lucinda is a director on the Boards at Hawthorn Football Club, BankVic, Alkira and the Penington Institute. She has a Master of Arts and a Bachelor of Arts (Honours) from Melbourne University and completed the Advanced Management Programme at Harvard University.



Where to go if you need help

The Commission acknowledges that the material in this report, particularly the stories of sex discrimination and sexual harassment, may cause distress. There are support services available for those who need it, including the services outlined below.

FOR VICTORIA POLICE EMPLOYEES AND THEIR FAMILIES

Safe Space

Safe Space is an independent, confidential support hotline available to current and former Victoria Police employees and their families, which provides information and support for victims of workplace harm.

Call 1300 364 522 (24 hours).

Victoria Police Welfare Service

Victoria Police Welfare Service provides support, advice and referral services to all Victorian Police employees and their immediate families.

Call (03) 9247 3344 (24 hours).

Visit http://intranet/content.asp?Document_ID=44637.

Victoria Police – Taskforce Salus

Taskforce Salus can investigate allegations of serious sex discrimination, sexual harassment and predatory behaviour made against current or former Victoria Police personnel.

Call (03) 8327 6845 or email TASKFORCESALUS-OIC@police.vic.gov.au.

OneLink

OneLink is Victoria Police's central case management and triaging unit to support and guide victims/survivors through their workplace harm complaint and is available to current employees.

Call 1800 598 846 or email ONELINK-WORKPLACE-HARM-MGR@police.vic.gov.au.

Visit http://intranet/content.asp?Document_ID=48638.

The Police Association of Victoria

Members of The Police Association of Victoria and their families can access a 24-hour, confidential counselling service provided by Lifeworks seven days a week.

Call 1300 361 008.

OTHER SUPPORT SERVICES

Centre Against Sexual Assault (CASA) House Melbourne

Centres Against Sexual Assault (CASAs) provide support and intervention for victim/survivors of sexual assault and people who have experienced or been affected by sexual harassment.

Call (03) 9635 3610 (business hours) or visit casahouse.com.au.

Sexual Assault Crisis Line

The Sexual Assault Crisis Line offers after-hours crisis counselling for people who have experienced past or recent sexual assault.

Call 1800 806 292 (24 hours) or visit sacl.com.au.

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

1800 Respect is available to all people in Australia affected by sexual assault and domestic and family violence. It provides information and assistance to access other services 24 hours a day.

Call 1800 RESPECT (1800 737 732) or visit 1800respect.org.au.

No To Violence

No to Violence provides anonymous and confidential telephone counselling, information and referrals to men to help them take action to stop using violent and controlling behaviour.

Call 1300 766 491 (8am to 9pm) or visit ntv.org.au.

Beyond Blue

Beyond Blue provides information and support to all Australians and their families to support their best possible mental health.

Call 1300 22 4636 (24 hours) or visit beyondblue.org.au.

Switchboard

Switchboard Victoria provides peer-based, volunteer-run support services for lesbian, gay, bisexual, transgender, intersex and queer people and their friends, families and allies.

Call 1800 184 527 or visit switchboard.org.au.

Victorian Equal Opportunity and Human Rights Commission

If you wish to enquire about, or make a formal complaint of, sex discrimination or sexual harassment, you can contact the Victorian Equal Opportunity and Human Rights Commission.

Call 1300 292 153 or (03) 9032 3583.

For hearing impaired (TTY) call 1300 289 621.

Visit humanrightscommission.vic.gov.au.

Australian Human Rights Commission

You can also enquire about, or make a formal complaint of, sex discrimination or sexual harassment to the Australian Human Rights Commission.

Call 1300 656 419 or (02) 9284 9888.

For hearing impaired (TTY) call 1800 620 241 (toll free).

For free interpretation and translation services call 13 14 50.

Visit humanrights.gov.au/complaints/make-complaint.

Executive summary

Victoria Police is one of the state's oldest public institutions, with a 167-year history of serving the Victorian community. It is the third largest public employer in the Victorian Public Sector and employs one in every 187 working-age Victorians.

The public-facing role of Victoria Police means that the organisation's employees have day-to-day contact with the community, often at their most vulnerable moments. Safety, accountability and the interactions of Victoria's diverse community drive the work of Victoria Police.

Paradoxically, while the organisation plays a critical role in community safety, it has failed in the past to provide a safe, equal and respectful working environment for its employees. That is why in 2014 Victoria Police engaged the Commission to complete an independent review into sex discrimination and sexual harassment, including predatory behaviour, in its workforce – using the research power in the *Equal Opportunity Act 2010* (Vic) (Equal Opportunity Act).

Former Chief Commissioner Ken Lay approached the Commission in response to compelling evidence that many female employees were experiencing sex discrimination and sexual harassment at work. Victoria Police also acknowledged its critical role in responding to gender-based violence against women and the need to address the organisation's internal culture to improve both the lived experiences of its employees and its capability to serve the community.

The review

THE SCOPE OF THE REVIEW

The original Terms of Reference directed the Commission to examine the nature, extent, drivers and impact of sex discrimination and sexual harassment, including predatory behaviour, among Victoria Police employees. They also directed us to make recommendations to drive cultural and practice change and promote safety, equality and freedom from sexual harassment.

THE PHASES OF THE REVIEW

We conducted the review in three phases.

Phase 1, delivered in 2015, examined the nature, extent, drivers and impacts of sex discrimination and sexual harassment in Victoria Police.

In this phase, we found that sex discrimination and sexual harassment were widespread and normalised in Victoria Police and had resulted in profound and lasting harm for many of the organisation's employees, especially female employees. We also found that many perpetrators of workplace harm in Victoria Police were not held accountable for their actions and, in some cases, were promoted despite engaging in clear abuses of power. The layers of ignorance and tolerance in the organisation reinforced the power of perpetrators, entrenching sex discrimination and sexual harassment as cultural norms.

Our research revealed structural and cultural barriers to gender equality across the organisation. It showed that a hypermasculine policing identity drove systemic discrimination, undermined women's representation, progression and equal pay and impeded access to flexible work. It also exposed harmful attitudes that enabled everyday sexism and excused workplace harm, as well as complex and under-resourced complaints processes, resulting in poor and inconsistent outcomes and re-victimisation.

The Commission made 20 recommendations to create the foundations for transformative change across Victoria Police. The recommendations aimed to build the knowledge, structures, rationale, messaging, strategic vision, values, leadership and accountability needed to achieve gender equality across the organisation.

Phase 2, delivered in 2017, audited the extent to which Victoria Police and the Victorian Government had implemented the phase 1 recommendations.

We found that Victoria Police had begun implementation of a broad package of reforms that aimed to reduce the prevalence of sex discrimination and sexual harassment within its workforce. While recognising this considerable work, we also noted the extent of the remaining effort to implement the significant body of intersecting reforms in a large and complex organisation.

We provided further guidance to support the next stage of implementation of the phase 1 recommendations.

Phase 3 again audited the recommendations and assessed the state of gender equality in Victoria Police in 2018. The findings of phase 3 – set out in this final report – are based on our independent, expert analysis of the comprehensive qualitative and quantitative data we collected. This included a representative employee survey, focus groups, interviews, workforce and complaints data and other Victoria Police documents, key laws and relevant secondary sources.

Our findings show how far Victoria Police has come since 2015. Its progress reflects the substantial resources, leadership and strategic consideration it has dedicated to achieving gender equality. Our findings reveal an emerging positive story of change: Victoria Police is transforming into a modern policing organisation that is disrupting its deeply entrenched culture of systemic discrimination and high tolerance for gendered harm.

While there has been marked improvement, transformative change will require time, steadfast commitment and enduring leadership. For this reason, in this final phase of the review, the Commission makes 16 new recommendations to help embed gender equality across Victoria Police by 2030.

DRIVING CHANGE THROUGH PARTNERSHIP

The unique and strong partnership between Victoria Police and the Commission has been key to the progress Victoria Police has made towards gender equality.

Throughout the review, we have provided Victoria Police with expert and frank advice about its approach to deep and enduring reform. We have engaged in open discussion about the pace of change and the challenge of resistance, while retaining independent oversight. In turn, Victoria Police has been transparent and generous in communicating its work towards change and receptive to our ongoing guidance.

The state of gender equality in Victoria Police in 2018

There are few other organisations that have made the same commitment as Victoria Police to create lasting change towards achieving gender equality in the workplace. Transformative change that goes to the culture, attitudes and identity of an organisation is the most challenging change to achieve.¹

We have seen many positive examples of transformative change across Victoria Police resulting in better outcomes for many of its employees. We have also observed continuing systemic and attitudinal barriers to reform, and unacceptably high rates of gendered harm across Victoria Police workplaces.

Since the phase 1 review, Victoria Police has created strong foundations for achieving lasting change. The Commission has found that Victoria Police has implemented 80 per cent of the phase 1 recommendations to a moderate or higher extent.









The continuing work of Victoria Police must address the embedded systemic and behavioural drivers of gendered harm within its workforce. This ongoing and complex reform is now achievable because foundational work has created a robust strategic environment, strong leadership and an organisational commitment to building safe and respectful working environments for all Victoria Police employees.

Table 1 – Achieving gender equality in Victoria Police by 2030

2015	Identifying the problem The Commission’s phase 1 report detailed the nature, drivers and impacts of gendered harm in Victoria Police
	Committing to reform Victoria Police committed to achieving organisational reform towards gender equality
2015–2019	Creating the foundations for change Victoria Police has created a strategic environment, governance structures, strong leadership and significant resourcing to drive change
2020–2030	Generating systemic reform Reform will drive complex systemic and attitudinal change across Victoria Police
2030	Achieving gender equality Measurable change will reflect the creation of safe and respectful workplaces for all Victoria Police employees

Across the five-year review process, we identified 10 key characteristics of a gender equal organisation and used this to assess the state of gender equality in Victoria Police in 2018. While the analysis below applies specifically to Victoria Police, the domains are relevant to any number of organisations seeking to embed gender equality and create more inclusive and respectful cultures. We consider these domains essential for achieving gender equality at work.

Figure 1 – Outcome monitoring framework domains and key outcomes

Leadership 	Women's voices 	Values 	Representation and equal pay 	Flexibility 
Leadership drives a culture of inclusion and respect	The voices of women are elevated across the organisation	The values of safety, respect and inclusion drive employee behaviour	Women are paid and represented equally across all ranks and roles	All employees are supported to work flexibly
Pregnant employees, and parents and carers 	Promotion and progression 	Safety and victim-centricity 	Complaints and discipline 	Data collection and reporting 
Pregnant employees, and parents and carers are supported	Promotion and progression processes are fair and accessible to all employees	Workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre	The complaints and discipline systems are fair, timely, accessible and victim-centric	Data collection and reporting drive accountability and continuous improvement

To achieve gender equality, an organisation's leaders need to be publicly and unequivocally committed to cultural reform.² They need to drive organisational healing,³ foster a safe and respectful environment⁴ and, importantly, model the standards needed to drive change and build trust across the organisation.⁵



In 2015, the Commission found that Victoria Police lacked the governance structures, strategic framework, policies and expertise to deliver safe, respectful workplaces that embody gender equality. We also found that some of Victoria Police's leaders had demonstrated harmful attitudes and behaviour that contributed to a damaging organisational culture. We found that this had undermined employees' faith and trust in the organisation's ability to respond adequately to, and acknowledge, harm.

We urged Victoria Police to establish appropriate governance and advisory structures, embed a gender equality strategy, develop a comprehensive case for change and accompanying communications and engagement strategy, and update key organisational policies. We also urged its senior leaders to publicly and sincerely acknowledge past harm to employees. We emphasised that such an acknowledgment of harm would show a commitment to change, especially if coupled with an admission or discussion of the role that some leaders may have played in that harm.

Victoria Police has since shown considerable leadership, transforming an organisation that has traditionally been influenced by a hypermasculine culture and stereotypes about who is best placed to keep the community safe.

By 2018, Victoria Police had established strong foundations for building an organisation that is more equal, safe and respectful. In doing so, it had started to disrupt a hypermasculine culture and stereotypes about who is best placed to keep the community safe.

It had developed a gender equality strategy and begun to collect data to monitor gender equality and workplace harm. It had created governance structures and a standalone unit, led by a dedicated Assistant Commissioner, to oversee the effort across the organisation. Significant investment had also been committed to support new units to respond to workplace harm.

The commitment from leadership and Executive Command and the investment, despite many and multiple competing priorities, is significant ... and there is absolute commitment from the Chief Commissioner and focus on consolidating and building on this work.

I am proud of what Victoria Police is doing in response to the [Commission's] review. It makes [Victoria Police] much more an employer of choice for me. I see it as leading community and social change.

By 2018, the Chief Commissioner of Police, Graham Ashton, had also made four genuine public apologies acknowledging workplace harm experienced by female and lesbian, gay, bisexual, transgender and intersex (LGBTI) employees. The apologies and broader acknowledgment of harm have been crucial turning points, reflecting a shift in the organisation's mindset about sex discrimination and sexual harassment. At the same time, they form part of a larger, ongoing conversation about the importance of recognising and acknowledging harm as a critical part of the process of organisational healing and reform.

I thought that it was a really good approach, it's just sort of acknowledging that the past is the past, this is now, I would have done things differently. We've got to acknowledge that what was previously acceptable in Victoria Police is not necessarily acceptable now.

However, the Commission also heard that many senior leaders had not taken responsibility, or been held accountable, for their role in fostering harmful working environments in the past. Some participants expressed scepticism and mistrust in response to leaders championing gender equality when staff perceived those leaders to have been 'part of the problem', highlighting the importance of honesty in acknowledging past harmful behaviour. This had had a chilling impact, undermining trust in the authenticity of the reforms.

Of our survey respondents, just over half said they thought senior leaders were not at all, or only somewhat or moderately, accountable for sex discrimination and sexual harassment in Victoria Police.

The Chief Commissioner gave everyone permission to be upfront and say 'I'm not perfect and I've learned from it' and they never owned it. Certain members of Command can't sell the messaging because people are laughing. People ask 'how can they come up and say these things when we know what they used to do?'

Key areas of focus going forward include ensuring the organisation's leaders demonstrate a strong commitment to achieving gender equality and are held accountable if they do not deliver on key performance indicators that relate to safe and respectful working environments. Another key focus must be only selecting, promoting and retaining leaders who have a track record of a demonstrated commitment to gender equality and the creation and maintenance of safe and inclusive workplaces.

Senior leadership must also focus on preventative measures – stopping sex discrimination and sexual harassment before they occur. This will require ongoing education, both for the organisation's senior leaders and individual employees. As part of these efforts, Victoria Police must ensure that its case for achieving gender equality is clearly articulated, evidence-based and widely understood across the workforce. A focus on preventative measures also means sharing successes and learnings from the organisation's change journey to guide other organisations and sectors undertaking similar reforms to achieve gender equality.

Equally as important will be efforts to empower employees to stand up against harm and gender inequality, listen and respond to employees' experiences with empathy and compassion, and support them to resolve issues in a way that is meaningful to them. Continued investment, strong governance, dedicated resourcing and a willingness to listen and learn will be critical for achieving gender equality by 2030.

WOMEN'S VOICES

Addressing gender inequality at work means genuinely listening to, and understanding, employees' experiences. The voices and insights of affected employees are critical and should directly inform change.

In 2015, the Commission found that systemic sex discrimination had marginalised and excluded the voices of Victoria Police's female employees and, in doing so, prevented many from entering the organisation's senior ranks. We also found that women had adopted strategies to fit into the dominant, masculine culture, internalising expectations of how to conduct themselves in line with that culture.

We urged Victoria Police to establish Women in Policing Local Committees to give female employees opportunities to share their views and experiences with the organisation's leadership and foster peer support through formal networks.

By 2018, Victoria Police had created a range of formal and informal forums to elevate women's voices across the organisation and foster networking and skills development among female employees. For instance, the Women in Policing Local Committees provided female employees with opportunities to share their experiences and insights with Command (via the Women in Policing Advisory Group), with 37 committees established across Victoria providing important mentoring and support to more than 300 members.



37
Women in Policing
Committees providing
support to more than
300
members

A strength of the [Women in Policing Local] Committee is the support for women in regional areas who want to stay and pursue their careers in the region.

We have heard of the positive impact of reforms to improve the numbers of women in senior leadership roles, with some women reporting that increased representation provides them with confidence that they will be supported to progress in the organisation.

Areas of focus going forward include addressing backlash and hostility regarding the availability of these forums for women and ensuring that women are supported by local management to participate in them.

Women on the committee have heard things like 'oh you're going to that women's chat group' or 'that women's gossip group'. And that's a real put-down. It doesn't reflect the importance of improving things for women.

Also key will be embedding and strengthening the Women in Policing Advisory Group and ensuring that women's voices inform the organisation's strategic direction and responses to emerging risks, issues and opportunities.

VALUES

The values of an organisation drive the behaviour and performance of its people and its culture.⁶ A values-driven culture in turn drives safer, more respectful workplaces and helps to prevent sex discrimination and sexual harassment from occurring.



In 2015, the Commission found a damaging culture in Victoria Police centred around an archetypal 'police man' who embodied the perceived masculine characteristics of toughness, strength, resilience and sexual assertiveness. We saw that these cultural expectations – which were not consistent with the organisation's espoused values or its modern operating context – entrenched inequality and enabled sex discrimination and sexual harassment to occur. They also fostered an environment of exceptionalism, whereby so-called 'good' police members were not held accountable for their harmful behaviour. A perverse culture of loyalty meant that people did not speak out against unlawful and damaging conduct. We urged Victoria Police to modernise the organisation's values to set clear behavioural expectations and drive cultural change to support safer and more respectful workplaces.

By 2018, Victoria Police had undertaken significant work to transform its organisational values and is now finalising work to refresh and modernise those values.

Once published, the organisation will roll out a dedicated communications and education strategy to inform employees about the new values and set clear expectations that employees adhere by them. This work has set the tone for a safe, modern organisational culture. We have heard from Victoria Police employees that they feel safer and more respected in workplaces with managers who model strong organisational values.

I am very proud of how far many employees have come in their attitudinal and behavioural shifts in Victoria Police. I am in no doubt we have a long way to go and we need to become innovative in the ways we sustain our approach to recognising the value of diversity and debunking myths, particularly around the growth of women in leadership positions ... I am very confident we will continue to grow and learn and mature and we are a progressive employer of choice.

While many survey respondents emphasised the negative organisational impact that resulted from their managers' poor attitudes and behaviour, there are important opportunities ahead to ensure that all managers and supervisors model, and are held accountable against, the organisation's values. Managers and supervisors will continue to be a critical lever in the ongoing work to ensure that all employees are measured against their demonstration of Victoria Police values.

Representation

Employees are less likely to experience harm in workplaces where there is more equal representation of women and men, compared to those where women are under-represented. Equal representation – and the safety that it brings – also best positions organisations to deliver services to the Victorian community.



I truly believe that the most highly functioning stations with the best morale are ones where it is evident there is an equal (or close to) gender split. There appears to be less conflict, less injuries and more collaboration.

Gender equality at a station level allows for all voices to be heard equally and poor behaviour to be called out. In the future it will be exciting to see an equal gender split within the higher ranks as this will have a strong impact on those new to the organisation as it won't be rare to see a female in charge at a police station, it will just be the norm therefore [women] won't see any barriers in their own careers.

In 2015, the Commission found that women accounted for 51 per cent of police recruits. A positive achievement, we were nevertheless concerned that this was the first time in a decade that Victoria Police had achieved roughly equal representation of male and female recruits: on average, women comprised 35 per cent of recruits from 2005 to 2014. We also found that women comprised 14 per cent of Protective Services Officers (PSOs) recruits. While an increase of six per cent from 2014, we noted our concern that Victoria Police had only recruited 121 women compared to 1119 men since PSO recruitment began in 2011. In addition, we found that female recruit applicants were leaving Victoria Police during recruitment in larger numbers than men. We surmised that there may have been prejudicial recruitment practices that disproportionately affected women. We therefore urged Victoria Police to adopt measures to improve its recruitment practices and understanding of attrition.

By 2018, Victoria Police had taken steps to improve its recruitment practices and the gendered drivers of attrition, in an effort to increase the representation of women. These included setting a 50/50 target for police and PSO recruits, implementing female-focused attraction strategies, taking steps to reduce discrimination in recruit selection, supporting applicants to pass the fitness test, addressing unconscious bias in recruitment processes and using data to understand gendered recruitment barriers. The organisation had also started to collect and analyse attrition data. In 2018, Victoria Police reported increases to women's representation in policing roles and Command appointments.

Despite these efforts, Victoria Police had not yet achieved 50/50 women and men in recruit squads: women comprised 30 per cent of police recruits and 18.8 per cent of PSO recruits in 2018. This represents a 19 per cent decrease in the number of female police recruits inducted between 2015 and 2018. There was only a small increase in PSO recruits inducted from 14 per cent in 2015 to 18.8 per cent in 2018.

Victoria Police also continued to be a male-dominated organisation in 2018, with women outnumbered by men across the workforce (31.4 per cent women, 65.9 per cent men) and in all cohorts except the Victorian Public Service (VPS):

- women comprised 28.3 per cent of police members and recruits, compared to men who represented 71.7 per cent of this cohort
- women made up 28.8 per cent of Police Custody Officers (PCOs), while men comprised 71.2 per cent
- women made up 9.9 per cent of PSOs, compared to 90.1 per cent of this cohort who were men
- women represented 68.9 per cent of Victoria Police's VPS employees, while men made up 31.1 per cent.

In addition, women were over-represented at the lower police member and VPS ranks and under-represented at all the highest ranks of the organisation. For example, women accounted for 66.9 per cent of all female VPS employees at grades 1 to 3, but only 19.3 per cent of inspectors, 14.3 per cent of superintendents and 18.8 per cent of Assistant Commissioners. While significant work has progressed to increase the representation of women in Victoria Police, systemic barriers remain, and backlash is impacting the confidence of some women to apply for higher roles. Encouragingly, the Commission has also heard that an emerging group of talented women are beginning to apply for opportunities because they now feel more confident that they will be supported to access part-time and flexible work.

Given that Victoria Police is yet to reach its 50/50 recruitment target, key areas of focus going forward include revising the organisation's recruitment criteria for police member recruits to include an emphasis on empathy, ethical decision-making, communication and interpersonal skills and the pass or fail fitness testing process for recruits to ensure the inherent requirements of a general duties police officer are assessed. Other key areas of focus include supporting the development of applicants who fall slightly short on the physical fitness test, but otherwise substantially meet key recruitment criteria reflecting the inherent requirements of a general duties police officer, allowing increased lateral entry to police member roles and supporting lateral entrants with any necessary training.

Equal pay

Women and men are entitled to equal pay for work of equal or comparable value. Despite this, the gender pay gap is persistent across Australian workplaces and Victoria Police is no exception.

An analysis undertaken by Victoria Police in 2016 revealed that the organisation's gender pay gap was 9.5 per cent (excluding Command and recruits), with \$78,508 the average salary for female employees and \$86,734 the average salary for male employees. We urged Victoria Police to take steps to reduce its gender pay gap.



By 2018, Victoria Police had reduced its gender pay gap to 7.6 per cent, down 1.9 per cent from 2016 – a noteworthy achievement given the intractable nature of the problem globally. It had also committed to continuing to report the pay gap every two years.

Despite this progress, income inequality for women persists in Victoria Police, driven by systemic sex discrimination, including ongoing gendered barriers to promotion and progression and high rates of workplace harm. Key areas of focus for the organisation include further reducing the gender pay gap and ensuring continued accountability for its work through public reporting.

Superannuation

The right to equal pay extends to entitlements like superannuation. Yet, because of unequal pay and opportunity throughout employee lifecycles, women regularly retire with far smaller superannuation benefits than men, jeopardising their economic security later in life.

In 2015, the Commission found that the Emergency Services and State Super defined benefit superannuation scheme had the potential to disadvantage female police members and PSOs, who are less likely to work full-time for their entire career and more likely to take longer periods of unpaid leave. This was because the scheme pays employees a lump sum at retirement calculated on individual contributions, age and length of membership. Our analysis found a lump sum payment gap between women and men who exited Victoria Police at age 40 of up to \$150,000.

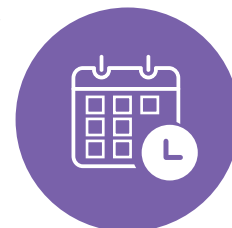
We urged Victoria Police to take steps to reduce gender inequality in superannuation.

In 2017, the Commission found that the Victorian Government had begun a review into the scheme that included a gender impact analysis. As at the time of writing, the review had not been made public. Furthermore, while the government recently introduced a Bill into parliament to amend the scheme, the Bill lacks concrete measures to address gender inequality. The government considers that there are no 'inherent gendered drivers of superannuation inequality' in the scheme and inequality is best targeted through reforms to workplace patterns and remuneration.

The government should leverage the opportunity presented by the reforms to ensure that women in Victoria Police are not disadvantaged in retirement and consider how gender inequality drives workplace patterns and remuneration.

FLEXIBILITY

Access to flexible work is key to attracting and retaining talented staff, especially women, and results in happier, healthier and more productive organisations that deliver better services.

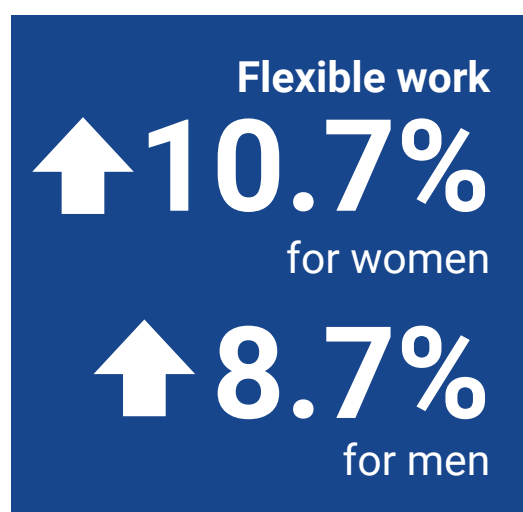


Despite these recognised benefits, in 2015, the Commission found a lack of workplace flexibility across Victoria Police. We determined that this was driven by an entrenched perception that 'good cops' work full-time, the absence of a clear organisational policy on flexible work, inadequate guidance for managers and supervisors on dealing with flexible work requests, and stigma around working flexibly or part-time that impacted the progression of employees across the organisation.

We urged Victoria Police to take steps to foster an organisational culture of workplace flexibility, improve its monitoring and evaluation of flexible arrangements and better support managers in decisions related to flexible work.

By 2018, Victoria Police had revised its flexible work policy, begun building a culture of 'all roles flex', developed guidance on determining requests for flexibility and started centrally recording some types of flexible work arrangements. These changes have enabled more employees to work flexibly, up 10.7 per cent for women and 8.7 per cent for men from 2017 to 2018. Our survey also shows that in 2018 most employees feel that their managers now support them to access flexible work:

- 61 per cent of female police members and 69 per cent of female PSOs who responded to the survey said their manager supported flexibility 'a lot' or 'a great deal'
- 56 per cent of male police members and 67 per cent of male PSOs agreed.



Across our other data sources, we heard that some employees are benefiting from the 'all roles flex' policy and feel that they have better access to flexible work than in 2015.

Most people need to balance other life commitments. Previously, you would have to sacrifice those, now it's being recognised that it's just a part of life.

I've seen a change ... people in formal leadership roles accessing flexibility because of childcare responsibilities. This is very different from what happened in the past.

Key areas of focus for Victoria Police going forward include encouraging more men to work flexibly and supporting those who do – noting that, in 2018, access to flexible work was highly gendered, with significantly more women than men working flexibly, and stigma a persistent barrier preventing men from accessing and being granted flexible work in some workplaces.

As a male ... flexibility is not there. I've seen in [Victoria Police workplaces] that a male wanted to go on flex to care for his family and it was declined ... I think it's increasing for women in the workplace, but if a guy wanted to go it would be very hard for him to do it'.

Other areas of focus include ensuring that managers make consistent, policy-driven decisions regarding flexible work, investing in technology to make it easier to balance service delivery and flexibility, communicating the benefits of flexible work to all employees and celebrating the benefits of flexible work for all employees.

PREGNANT EMPLOYEES, AND PARENTS AND CARERS

Pregnant employees, as well as parents and carers, enjoy protections against discrimination in the workplace. Upholding these protections not only enables these employees to participate in the workforce, but it also makes it easier for employers to attract and retain a broader range of talent.



In 2015, the Commission found that employees were discriminated against during pregnancy and on returning to work from parental leave. We found that they experienced hostile attitudes from colleagues and management, had limited access to keep-in-touch days and received little support when back at work. We also found that many parents and carers experienced discrimination when seeking to work flexibly to balance their careers and caring responsibilities.

We urged Victoria Police to address structural factors that enabled discrimination against pregnant employees and increase support and guidance for managers to uphold the rights of pregnant employees, as well as parents and carers.

Victoria Police has since updated its pregnancy policy, including to give employees greater agency and autonomy to determine when to disclose a pregnancy and how to work while pregnant, as well as greater decision-making power in relation to changes to regular duties during pregnancy. By 2018, the organisation had set up and evaluated a parental leave backfill scheme to help manage parental leave absences and reduce the stigma around pregnancy and care. It had also increased manager capability to support pregnant employees – all of which have resulted in more positive experiences for some employees.

The addition of backfills has been an enormous help ... The idea of being able to backfill those people is great ... the concept will immediately take the guilt away from parental leave. It is an entitlement and not a privilege.

Yet, as noted above, discrimination remains a persistent issue, with parental or carer status and pregnancy among the top three discrimination types reported by survey respondents (24.4 per cent and 3.8 per cent, respectively) and a common issue across other data sets.

Within days of notifying my workplace I was pregnant I was moved to a different role ... This role was not in line with my current qualifications, experience, job description and duties ... My pregnancy would have had almost zero effect on my ability to do my current role.

Once I announced my pregnancy, the senior sergeant told me immediately that my upgrading was 'off the table'. I was told I was no longer suitable due to being pregnant, and that I should not bother to sit the sergeants' exam.

Additionally, across our data sets, we heard from employees that Victoria Police does not have the built infrastructure or management support to accommodate breastfeeding, especially for women on patrol duties, in stations and during training.

I am not given the time to do this while in the watch house or on the van ... most of the time I cannot express breast milk for an entire shift.

Key areas of focus going forward include ensuring that there are enough backfill positions to meet demand, further supporting managers to respond to harmful attitudes about pregnancy and care and upholding the rights of breastfeeding employees to take lactation breaks, including by progressively upgrading building facilities to provide breastfeeding-friendly workplaces. Other key areas of focus include actively promoting and supporting the rights of men to take parental leave, better supporting employees on parental leave and when back at work, and centrally recording all requests and decisions relating to pregnancy and return-to-work.

PROMOTION AND PROGRESSION

Gender equality demands that promotion and progression processes are fair and accessible to all employees.

In 2015, the Commission found that career progression for women in Victoria Police was significantly affected by gender inequality in the organisation's promotional pathways. We noted that women were under-represented at almost all ranks and levels, except the lowest paid levels of the VPS, and were not applying for promotions or transfers due to their low levels of confidence, limited role modelling of women in leadership roles, high rates of workplace harm and the stigma around working flexibly. We also highlighted perceptions of bias in favour of men that undermined the fairness of decisions related to promotion.



We urged Victoria Police to remove structural and cultural barriers to women's promotion and progression across the organisation.

By 2018, Victoria Police had progressed significant work to improve the promotional pathways for women across the organisation. It had completed its first '50/50, if not, why not?' audit of all roles and identified key roles and units where women were under-represented. It had also begun using data to identify and remove structural barriers to women's promotions and is now reporting on it at CompStat forums.

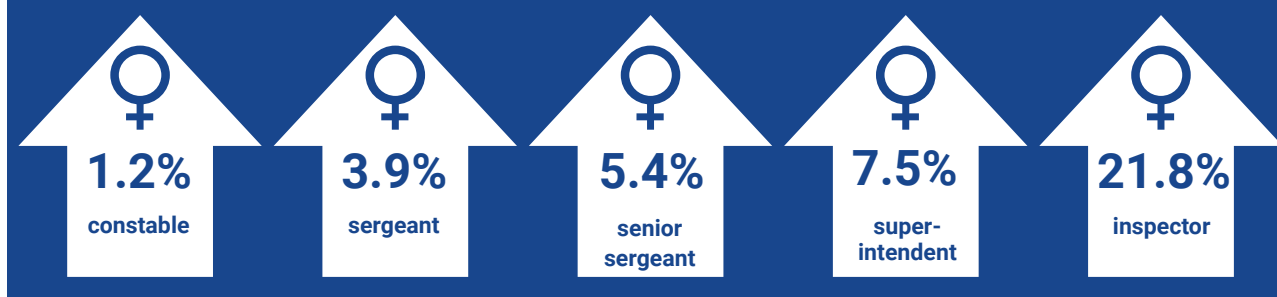
The organisation had developed a clear statement about the purpose, rationale and actions to achieve its 50/50 promotion strategy, but had not communicated it widely. This had contributed to misunderstanding of the strategy and significant backlash against women's promotions, with widespread perceptions that women were being promoted only because of their sex/gender, despite there being no credible evidence to suggest that women were being promoted for any reason other than their merit.

When I was promoted, I was told that I got the spot because I was a woman. [They said my promotion] was because VicPol [Victoria Police] was trying to achieve a diversity target. After achieving my long hoped for promotion on merit and ability, [it was] followed by the crushing discovery that the common perception is women are promoted primarily on our gender ... It is almost automatic that my male colleagues think my performance, skills and business contribution aren't relevant.

Encouragingly, despite the backlash, an emerging group of talented women were beginning to apply for promotional opportunities in greater numbers.

Over the past year or so, we've seen a number of talented women selected for promotion. It seems that many of them have put themselves forward for promotion for the first time, perhaps because in the past, they lacked confidence or the encouragement to think of themselves as leaders, or they didn't think they could work part-time at a higher rank.

Women's representation at senior ranks between 2016 and 2018



We haven't seen any pattern of women being promoted for any reason other than their talent and merit. It's likely that a group is now coming forward to have their experience and ability recognised and there was a reservoir of previously unrealised talent which has now 'bubbled up' due to mentoring, encouragement and support and is now reflected in recent appointments.

The data show that women are benefiting from Victoria Police's deliberate, corrective action to remove gendered, structural barriers in promotion, with 10.6 per cent of female police members (n=406) who applied for promotions between 2016 and 2018 were successful, compared to 5.3 per cent of male police members (n=732). Between 2015 and 2018, Victoria Police also reported increases to women's representation at certain ranks:

- constable, up 1.2 per cent
- sergeant, up 3.9 per cent
- senior sergeant, up 5.4 per cent
- superintendent, up 7.5 per cent
- inspector, up 21.8 per cent.

Women also comprised 40 per cent of Command appointments during this period.

Given that Victoria Police is yet to reach 50/50 promotion of women and men, key areas of focus going forward include revising criteria for promotion, progression and transfer to include an emphasis on empathy, ethical decision-making, communication and interpersonal skills, and collecting and analysing data on selection panels to determine if requirements in relation to panel diversity are effectively mitigating bias in decision-making.

Other key areas of focus include regularly updating the organisation's recruitment resources and training with the best available evidence on fair and unbiased decision-making, strengthening the process for providing feedback following progression decisions and creating targeted development opportunities to support the progression of women at VPS grades 1 to 3.

SAFETY, COMPLAINTS AND DISCIPLINE

Discrimination, sexual harassment and victimisation are against the law. Each can cause deep and long-lasting physical, psychological, emotional and financial harm.

Under Victoria's Equal Opportunity Act, employers must eliminate sex discrimination, sexual harassment and victimisation from their workplaces and take proactive steps to prevent these harmful behaviours before they occur. This includes identifying and addressing their structural and cultural drivers, such as rigid gender stereotypes, gendered power imbalances and everyday sexism.



Employers must also respond appropriately to these behaviours when they do occur. This includes empowering people to speak out, listening respectfully when they do, and ensuring complaints processes are transparent and victim-centric. There must be clear and appropriate consequences for perpetrators.

Despite these legal and ethical obligations, in 2015 the Commission found that sex discrimination and sexual harassment were widespread and normalised in Victoria Police, affecting considerably more women than men. We also found that the organisation had often failed to hold perpetrators accountable and had minimised the harm that was experienced in many parts of the organisation.

Because of the dedicated work of Victoria Police to address gendered harm in its workplaces, Victoria Police employees are increasingly aware of the nature and impact of sex discrimination and sexual harassment in the workplace. Encouragingly, our research has shown that Victoria Police workplaces with a more equal representation of women and men have employees that feel safer and more respected. We have also seen significant efforts to create consistent and victim-centric responses to harm across Victoria Police.

While there has been a focused effort to educate the organisation about what sex discrimination and sexual harassment look like and the effects they can have, data collected during phase 3 shows that workplace harm continues to occur at unacceptably high levels in Victoria Police and still affects far more women than men, with crippling individual and organisational impacts.

I felt trapped, uncomfortable, constantly on guard and paranoid, unable to trust or differentiate between genuine interactions and predatory or clandestine behaviour.

I am a shell of my former self, a speck of the brave person that I was. I had my way of life, my self-esteem, my respect and my dignity stripped from me in the most terrifying of situations.

To be treated the way I was for reporting bullying behaviour had a significant impact on me, my life, my family. I will never be the same person I was before this occurred.

The phase 3 findings show that continued organisation-wide efforts are needed and must be prioritised to prevent and respond effectively to sex discrimination and sexual harassment across Victoria Police.

The importance and urgency of these efforts cannot be overstated – every Victoria Police employee has the right to a safe and respectful workplace and research tells us that these unlawful and harmful behaviours are unlikely to reduce without sustained efforts to embed gender equality.⁷

Measurable change can take 10 or more years to achieve,⁸ with the first stages of prevention focused on investing in the systems, tools and resources needed to create change.⁹ Now is not the time for complacency. It is incumbent on Victoria Police to intensify its efforts to prevent and address sex discrimination, sexual harassment and victimisation in its workplaces.

Sex discrimination

Sex discrimination is a persistent issue in some Victoria Police workplaces, despite being unlawful and the organisation's efforts to address it.

In our most recent survey, conducted in September 2018, 66.7 per cent of survey respondents who reported discrimination said they experienced sex or a related form of discrimination. The most common types of discrimination reported via the survey were:

- sex/gender (82.1 per cent)
- parental or carer status (24.4 per cent)
- pregnancy (3.8 per cent).¹⁰

These findings are consistent with reports of discrimination across other data sets, where participants described unfavourable treatment based on their sex/gender, parenting or caring

responsibilities or pregnancy. Across all data sets we also heard about discrimination relating to breastfeeding, including a lack of breastfeeding and expressing facilities and access to lactation breaks during shifts.

When looking at the survey results, we found that women and men reported sex and related forms of discrimination at similar rates, although female PSOs were far more likely (15 per cent) than male PSOs (2 per cent) to report experiencing such discrimination.

On its face, this finding is surprising given that these forms of discrimination are widely recognised to affect women in much higher numbers than men.¹¹

However, the finding must be viewed in the context of an organisation undergoing significant change and the high rates of resistance and backlash reported across all data sources, which included widespread perceptions among some male employees and a small number of female employees of 'reverse discrimination'. Furthermore, the Commission's comprehensive review of Victoria Police's workforce data did *not* find evidence of systemic sex discrimination against men.

Research does tell us, though, that a quarter of men in Australia experience discrimination relating to parental leave and return-to-work¹² and that men are twice as likely as women to have a request for flexible work denied.¹³ In line with this research, we know that further work is needed in Victoria Police to actively promote the rights of men to take parental leave and work flexibly (see above).

Sexual harassment

Sexual harassment also continues to be an issue in some Victoria Police workplaces. While rates of harm remain unacceptably high, our research and experience has shown that sustained and measurable reductions in harm are unlikely to be achieved before the foundations for systemic and behavioural change have been created.

It is important to note that reported rates of harm from the phase 3 review cannot be accurately compared to the findings from December 2015 because the surveyed time periods are not the same.

In our most recent survey, of those who answered the question, 16 per cent said they had been sexually harassed between December 2015 and October 2018. Through interviews, focus groups and other data sets, the Commission also heard about many other employees who had experienced sexual harassment since December 2015.

Female employees were far more likely than male employees to report being sexually harassed during this period:

- 25.8 per cent of female survey respondents reported being sexually harassed
- 9.8 per cent of male respondents reported being sexually harassed.

Women across all employee cohorts were more likely than their male colleagues to report experiencing sexual harassment, although the gender disparity in experiences of harassment was particularly pronounced in the police member and PSO cohorts.

These findings are consistent with the accounts of sexual harassment reported to the Commission across all data sources, as well as broader research regarding the gendered nature of sexual harassment which is widely recognised to affect women in much higher numbers than men, particularly in organisations like Victoria Police where women are significantly outnumbered by men.¹⁴

25.8%

**female survey
respondents**

9.8%

**male survey
respondents
reported being
sexually harassed**

Also consistent with research, men comprised the overwhelming majority of alleged perpetrators of sexual harassment reported to the Commission¹⁵. For example:

- 72.4 per cent of survey respondents who reported being sexually harassed told us that the harasser was male
- around 90 per cent of sexual harassment complaints made to Taskforce Salus concerned men.

The reach of sexual harassment in the organisation extends beyond those immediately affected, to those who witness the harassment. Of those survey respondents who answered the question, 19.2 per cent reported witnessing sexual harassment at work. Echoing the survey findings about experiences of sexual harassment, female survey respondents were more likely than male survey respondents to report witnessing the behaviour.

Reporting workplace harm

Formal reporting of sex discrimination and sexual harassment remains low in Victoria Police compared to the reported rates of harm – only 11 per cent of survey respondents who told us they had experienced sexual harassment between December 2015 and October 2018 formally reported it to Victoria Police.

We heard about a range of barriers to reporting, including fear of negative consequences for one's reputation or career, fear of confidentiality breaches, confusion about where to report and a concern that reporting would not result in positive change. Across the data sets, we also heard a widespread perception about the lack of accountability of senior leaders who themselves perpetrated harm.

Higher management who perpetrate sexual harassment against lower ranked female members do not face the scrutiny and discipline that members of the same rank as the victim do.

Another reported barrier was poor experiences of the complaint system, with over 70 per cent of survey participants who made a complaint saying their expectations of making the complaint were 'not at all' or 'somewhat' met.

Fear of victimisation was yet another reported barrier, with over 30 per cent of survey respondents unsure of whether they would be protected from negative consequences if they formally reported harm. This is consistent with the concerning reports of victimisation the Commission received across a number of data sets.

My personal information about my private life was shared amongst other employees and discussed openly in attempts to discredit my reputation.

Management ostracise people who report this behaviour and make jokes about people who do.

Data collected during phase 3 shows that workplace harm continues to occur at unacceptably high levels in Victoria Police and still affects far more women than men. How Victoria Police responds to this harm and its resultant impacts will be critical to the organisation's efforts to embed gender equality.

Complaints system

In 2015, the Commission found that Victoria Police's model for responding to complaints of sex discrimination and sexual harassment was complex, ill-equipped to deal with gendered harm, inconsistent and inadequately funded to meet demand. Victims/survivors detailed experiences of re-victimisation through the complaints process, a lack of confidentiality, poor outcomes and experiences of reprisal that prevented others from coming forward.

We urged Victoria Police to overhaul the way it responded to workplace harm, including ensuring victims/survivors were safe from harm and creating a victim-centric workplace harm model.

By 2018, Victoria Police had taken important initial steps to improve how it responds to workplace harm complaints. It had created key workplace harm units, including OneLink, a unit dedicated to case management and triage, and Taskforce Salus, a harm investigation unit. Victoria Police had also embedded significant expertise in providing victim-centric responses to gendered harm, with a dedicated advisory board providing expert guidance to the units' operations and strategic framework. There had also been notable work to uplift manager capability to respond to harm and address the vulnerability of recruits in the Victoria Police Academy.

While the Commission heard from some participants who shared positive experiences of engaging with the new workplace harm model, our research shows that significant work remains to improve organisational responses to harm. Across the model, there are overall reports of low satisfaction with the outcomes of complaints. Employees who made a formal report of experiencing workplace harm told us that they are far less likely to report future harm because of their experiences following the complaints process.

After an initial botched investigation this has now been re-investigated and it has taken months and months to be resolved. I have been part of a group of people making the same complaints. The duration of the investigation has taken a significant emotional toll on many involved.

We also heard concerning reports of experiences of victimisation across Victoria Police complaints processes. These experiences of victimisation add to an organisational climate where employees do not feel safe to report workplace harm.

I gave my life to Victoria Police. I have always treated colleagues, victims, outside agencies respectfully. I am passionate about family violence and abuse of children and the elderly. To be treated the way I was for reporting bullying behaviour had a significant impact on me, my life, my family. I will never be the same person I was before this occurred.

Victoria Police must continue to transform how it responds to workplace harm. It should ensure victim-centricity is embedded across all process and systems that respond to harm and adequately resource the model to meet demand and the needs of victims/survivors. Victoria Police has significant organisational expertise in providing victim-centric responses to victims/survivors of sexual offences and child abuse. This means there is strong potential to leverage this expertise to strengthen and improve organisational responses to workplace harm.

Discipline system

Gender equality demands a disciplinary system that is fair, confidential, transparent, accessible and efficient. Such a system helps to ensure a safe working environment, shows employees that harmful behaviour will be addressed proactively and lessens the likelihood of further harm to victims/survivors.

In 2015, the Commission found that Victoria Police's disciplinary system for police members and PSOs was complex and time-consuming, lacked victim-centric processes and resembled a criminal, rather than civil, system. We noted a range of significant issues with the system, including the application of a criminal standard of proof, a perceived lack of impartiality in investigations, inconsistent outcomes and an ongoing lack of safety for victims/survivors. We urged Victoria Police to streamline and simplify its discipline system and embed victim-centricity and transparency across its processes.

By 2018, Victoria Police had made only minor changes to its disciplinary system, with work to overhaul its disciplinary system delayed. This meant that changes to transform the system into one that is victim-centric, timely and transparent had not been implemented. This was despite compelling and urgent need for the organisation to reform its approach to alleged perpetrators of harm.

Victoria Police must now prioritise reforms to its disciplinary system to embed victim-centricity, timeliness, transparency and consistent outcomes, reflecting the significant individual and organisational impact of workplace harm.

Redress and restorative engagement scheme

Restorative justice processes allow victims/survivors to discuss their experiences of harm with senior leaders and access financial and non-financial redress in reflection of the significant and enduring impact of workplace harm. They can promote healing, empower victims/survivors and provide a powerful opportunity for listening, accountability and learning.

As a part of recognising and responding to the considerable harm exposed in phase 1, we urged Victoria Police, supported by the Victorian Government, to establish a redress and restorative engagement scheme for victim/survivors.

Victoria Police has worked closely with the government to support the establishment of a scheme and by late 2018 the government had publicly agreed to set up an independent body to administer the scheme. In support of this, the government committed \$1.6 million in 2019-20 budget to administer the scheme.

A welcome development, the Commission is nevertheless concerned about the government's intention to create a higher eligibility threshold for accessing redress than for restorative engagement. A narrow approach to eligibility for redress payments will exclude a range of conduct identified during the review, impede organisational healing and undermine confidence in the commitment to address harm in Victoria Police.

At the time of writing, the scheme was not yet operational. It is critical that the government follows through on this commitment and sets up an adequately funded scheme with broad eligibility for both redress and restorative engagement that aligns with the restorative justice principles detailed in the Commission's phase 1 report. Joint efforts between the government and Victoria Police will be needed to promote the scheme and proactive steps are needed to ensure Victoria Police's senior leaders are ready to participate in, and apply the learnings of, the scheme.

DATA COLLECTION AND REPORTING

Collecting, monitoring and reporting against data on the progress of Victoria Police towards reaching gender equality will drive accountability and a culture of continuous improvement.

We urged Victoria Police to create mechanisms to ensure that its reform journey was supported by robust data collection and reporting so that it could identify successes and ongoing challenges.

By 2018 Victoria Police had begun to collect and report on some data relating to the state of gender equality and the rates and impact of workplace harm. However, a significant opportunity remains to create a system for robust and consistent data collection and analysis. More work is needed to ensure that data is used to share good practice across the organisation, embed accountability, leverage from successes and identify emerging issues and risks.



Embedding gender equality in Victoria Police by 2030

Victoria Police has begun to transform from an organisation with deeply entrenched systemic discrimination and a high tolerance for harmful gendered behaviours to a modern policing organisation that has developed the systems, structures and leadership to drive measurable cultural change.

We have identified the embedded and emerging challenges that the organisation continues to face in its work towards creating safe and respectful workplaces for all employees. The Commission is confident that Victoria Police has built the foundations to achieve gender equality by 2030.

We have set Victoria Police a 10-year goal for achieving measurable change, which aligns with leading research that suggests that it takes a minimum of 10 years before measurable improvements can be seen when transformative reform is required to address embedded gender inequality and gendered harm.¹⁶

Our final 16 recommendations reflect the work required to address the complex, embedded drivers of gender inequality within Victoria Police and achieve a safe, equal and respectful workplace by 2030. The impact of the ongoing work of Victoria Police and the implementation of our final recommendations can be measured against the outcome monitoring framework developed by the Commission. Victoria Police should also continue to draw on the external and independent expertise of organisations with discrimination and gender equality experience.

The recommendations, when implemented, will help Victoria Police to achieve gender equality and, in the process, position the organisation as a model employer and community leader in Victoria's commitment to ending gender-based violence against women.

Victoria Police has shown the significant change that can occur when an organisation takes the positive duty to eliminate sex discrimination, sexual harassment and victimisation seriously. Our research has shown that preventing and effectively responding to workplace harm in Victoria Police will benefit its employees, service delivery and the Victorian community. However, this has only been achieved because Victoria Police has demonstrated the courage, leadership and commitment to address its harmful workplace culture and invest in an independent review by the Commission.

Victoria's current regulatory framework places a disproportionate burden on victim/survivors who experience discrimination and harassment in their workplace and encounter ongoing and significant barriers to making complaints. There is no existing regulatory enforcement power to intervene in workplaces where systemic gendered harm is occurring. Work to achieve gender equality in Victoria is constrained by the inability of the Commission to enforce the law and drive greater change.

To ensure that the right of every Victorian to live free from sex discrimination, sexual harassment and victimisation is realised, the regulatory framework must be amended to deliver both individual and systemic outcomes. Reform is needed to equip the Commission with the power to enforce the positive duty in the Equal Opportunity Act effectively, with a broadened range of regulatory tools, including powers to conduct own-motion public inquiries, use enforcement mechanisms and exercise compulsion powers.

Strengthening the mechanisms that respond to gendered harm in the workplace would bring Victoria in line with international best practice, and would work to realise the commitment of the Victorian Government to achieve gender equality, making our community safer.

RECOMMENDATION 1

Victoria Police should continue to take ownership of the cultural change needed to achieve gender equality within the organisation by 2030 by:

- a. ensuring that its leaders demonstrate a strong and collective commitment to achieving gender equality
- b. only selecting, promoting and retaining leaders who have a track record of a demonstrated commitment to gender equality
- c. holding leaders accountable who do not deliver on key performance indicators related to gender equality.

RECOMMENDATION 2

Victoria Police should:

- a. commit to the implementation of the Commission's outcome monitoring framework, including monitoring progress towards its outcomes and publicly reporting the results
- b. maintain a strategic framework for achieving gender equality that is directly connected to the outcome monitoring framework
- c. continue to adequately resource a standalone unit with an ongoing and explicit focus on achieving gender equality, led by an Assistant Commissioner and reporting to Executive Command.

RECOMMENDATION 3

Victoria Police should increase and embed the strategic role of the Women in Policing Advisory Group by:

- a. appointing two independent gender equality experts with significant experience in organisational reform
- b. including in its core functions:
 - i) assessing each local action plan bi-annually against the gender equality indicators in the outcome monitoring framework and the *Gender Equality Strategy and Action Plan 2017–2020*, and presenting each division's results at a dedicated CompStat forum
 - ii) publicly reporting bi-annually on Victoria Police's progress towards gender equality against the outcome monitoring framework
 - iii) providing oversight and strategic guidance on the development and continuing evaluation of Victoria Police's case for change (see Recommendation 5)
- c. providing additional resourcing and support to equip the group to fulfil their strategic function.

RECOMMENDATION 4

Victoria Police should develop a centralised, robust data management system maintained by employees with expertise in data analysis to collect, analyse and report on data relating to achieving gender equality and addressing rates of workplace harm that:

- a. sets out clear systems and standards for data analysis and reporting and aligns data collection with metrics in the outcome monitoring framework
- b. drives the development and maintenance of consistently used organisation-wide local action plans
- c. embeds single-point accountability and clear delegation of responsibility for the framework to Command.

RECOMMENDATION 5

To ensure that the organisational case for achieving gender equality is clearly articulated and understood across all workplaces, Victoria Police should:

- a. develop a clear, robust and evidence-based case for change to achieve gender equality
- b. drive employee engagement with the case for change by developing a communications strategy that includes a specific focus on the positive benefits of achieving gender equality for all Victoria Police employees.

RECOMMENDATION 6

Victoria Police should:

- a. record all flexible work requests and outcomes in a centralised database, with central mechanisms and capability created to review decisions
- b. invest in the creation of a system to support station managers to prepare rosters that accommodate flexible working arrangements
- c. communicate the benefits of flexible work to employees, encourage more men to work flexibly and celebrate the organisation's workplaces that operate flexibly.

RECOMMENDATION 7

Victoria Police should:

- a. record all requests and decisions relating to pregnancy and return-to-work in a centralised database
- b. with employees' consent, ensure that workplaces maintain regular contact with, and support, employees throughout parental leave and in the 12 months after returning to work
- c. uphold the right of breastfeeding employees to take lactation breaks and progressively upgrade building facilities to provide breastfeeding-friendly workspaces
- d. actively promote the rights of men to take parental leave and ensure that men receive the same entitlements and protections as women when requesting and taking such leave and returning to work.

RECOMMENDATION 8

Victoria Police should:

- a. revise its recruitment criteria for police member recruits to include an emphasis on skills including empathy, ethical decision-making, communication and interpersonal skills
- b. support the development of applicants who fall slightly short on the physical fitness test, but otherwise substantially meet key recruitment criteria reflecting the inherent requirements of a general duties police officer
- c. allow increased lateral entry to police member roles and provide lateral entrants with any necessary training.

RECOMMENDATION 9

Victoria Police should:

- a. revise its criteria for promotion, progression and transfer to include an emphasis on skills including empathy, ethical decision-making, communication and interpersonal skills
- b. collect and analyse disaggregated data on the composition of selection panels, including in relation to gender, rank and employee type, to identify if requirements in relation to panel diversity are effective in mitigating potential gender bias
- c. regularly update the organisation's recruitment resources to reflect the best available evidence on how to ensure decisions are made fairly and without discrimination and bias, and ensure that employees review the resources before serving on selection panels
- d. strengthen the process for providing feedback following decisions related to promotion, progression and transfers
- e. support the promotion and progression of women in Victorian Public Service grades 1 to 3 roles by establishing targeted career development opportunities.

RECOMMENDATION 10

The Victorian Government should:

- a. publicly release the findings of the gender impact analysis of the Emergency Services and State Super defined benefit superannuation scheme
- b. consider the gender impact of the proposed reforms to the scheme, including the impact of the proposed individual 'catch up' contributions after periods of unpaid leave for parents and carers on ongoing part-time working arrangements
- c. implement changes to the scheme to address the lifetime impact of gender inequality on superannuation payouts.

RECOMMENDATION 11

Victoria Police should continue to improve manager and supervisor capability and behaviour, including through clear performance expectations embedded in key performance indicators that require them to:

- a. set clear standards and expectations for staff behaviour and attitudes and ensure that instances of sex discrimination or sexual harassment are dealt with effectively and in line with organisational policy and legislative obligations
- b. provide effective support to employees who experience sex discrimination or sexual harassment
- c. where they participate in decision-making processes, ensure that promotion, progression and development opportunities are delivered equally and with an awareness of the impact of systemic discrimination and unconscious bias
- d. build, support and model a culture of flexible work.

RECOMMENDATION 12

To support work to reframe the organisation's values, Victoria Police should:

- a. ensure that new values reflect a modern, capable policing organisation with workplaces that embed gender equality, safety and respect
- b. set clear expectations that employee attitudes and behaviour reflect the organisation's values, with accountability for demonstrating values-driven behaviour built into the Performance Development Assessment system
- c. increase messaging to promote the expectation that employees model values-driven behaviour and link this messaging to the organisational case for change.

RECOMMENDATION 13

Victoria Police should:

- a. resource OneLink to ensure that it is equipped to meet organisational demand
- b. prioritise the implementation of a reformed disciplinary system, in line with Recommendation 20 of the phase 1 review
- c. advocate for legislative amendments to include sexual harassment and predatory behaviour in the definition of 'conduct' constituting a breach of discipline in the *Victoria Police Act 2013* (Vic) and 'improper conduct' in the *Protected Disclosure Act 2012* (Vic)
- d. create a centralised process to ensure that victims/survivors, alleged perpetrators and their managers understand their obligations around victimisation, which:
 - i) once a complaint of workplace harm has been made, triggers the provision of a clear, accessible policy document that explains victimisation, its impact on the victim/survivor and the obligations of the alleged perpetrator, the victim/survivor and the direct line manager(s) to maintain confidentiality around the complaint
 - ii) requires that alleged perpetrators provide a written undertaking that they will not engage in victimisation or breaches of confidentiality during or after a complaint or disciplinary process
 - iii) implements a zero-tolerance approach to victimisation, with clear consequences for perpetrators that are proportionate to the impact on victims/survivors and Victoria Police.
- e. work with the Independent Broad-based Anti-corruption Commission to explore opportunities to collect and analyse systemic data relating to victimisation and reprisal at the end of an investigation relating to sex discrimination or sexual harassment, including predatory behaviour.

RECOMMENDATION 14

1. The Victorian Government should:
 - a. follow through on its commitment to establish, and adequately fund, a Redress and Restorative Engagement Scheme for Victoria Police employees
 - b. broaden eligibility for redress under the promised scheme to include all current and former employees who have experienced sex discrimination and sexual harassment, including predatory behaviours, as well as victimisation
 - c. ensure that the design of the scheme aligns with the restorative justice guiding principles set out in the Commission's phase 1 report.
2. The Victorian Government and Victoria Police should work together to promote the scheme widely to eligible employees.
3. Victoria Police should:
 - a. begin work to ensure that many of its senior leaders are ready to participate in the scheme on behalf of the organisation, including by training them in restorative justice principles
 - b. establish internal processes to ensure that learnings from engaging in the scheme inform systemic change in the organisation.

RECOMMENDATION 15

Victoria Police should identify and leverage opportunities to share successes and learnings from its change journey to guide other organisations undertaking reform to achieve gender equality and inform broader efforts towards the primary prevention of gender-based violence against women.

RECOMMENDATION 16

The Victorian Government should amend the *Equal Opportunity Act 2010* (Vic) to reinstate and strengthen the Victorian Equal Opportunity and Human Rights Commission's functions and powers to enforce the Act and address systemic issues of discrimination, sexual harassment and victimisation, including the functions and powers to:

- a. undertake own-motion public inquiries
- b. investigate any serious matter that indicates a possible contravention of the Act:
 - i) without the need for a reasonable expectation that the matter cannot be resolved by dispute resolution or the Victorian Civil and Administrative Tribunal
 - ii) with the introduction of a 'reasonable expectation' that the matter relates to a class or group of persons
- c. compel attendance, information and documents for the purposes of an investigation or public inquiry without the need for an order from the Victorian Civil and Administrative Tribunal
- d. seek enforceable undertakings
- e. issue compliance notices as potential outcomes of an investigation or a public inquiry.

Notes

- 1 Victorian Public Sector Commission, *Organisational change – an ideas sourcebook for the Victorian public sector* (2013) 1.
- 2 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 49.
- 3 Les Sylven and Carolyn Crippen, 'First to serve and protect, then to lead: Exploring servant leadership as a foundation for Canadian policing' (2018) 3 *Journal of Community Safety and Wellbeing* 22.
- 4 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 170.
- 5 Ole H. Sørensen, Peter Hasle, and Jan H. Pejtersen, 'Trust relations in management of change' (2011) 27 *Scandinavian Journal of Management* 405, 405.
- 6 Hillary Odiakaose, 'Organisational Culture and Dynamics' (2018) *Global Journal of Management and Business Research* 18, 23-25; Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 19.
- 7 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015).
- 8 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 57-59.
- 9 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 57.
- 10 This excludes responses for survey respondents who said they had been discriminated against selected 'other' as the type of discrimination. Of the 1049 respondents who said they had experienced discrimination, 148 selected 'other'.
- 11 See for example Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle* (2009) 11; Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 47th sess, UN Doc CEDAW/C/GC/28 (16 December 2010) [5].
- 12 Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review* (2014) 23.
- 13 Melanie Sanders et al, *The power of flexibility: A key enabler to boost gender parity and engagement* (Bain & Company and Chief Executive Women, 2015) 13.
- 14 See for example Kathi Miner-Rubino, Isis H. Settles and Abigail J. Stewart, 'More than numbers: individual and contextual factors in how gender diversity affects women's well-being' (2009) 33 *Psychology of Women Quarterly* 463, 465; Lindsey Joyce Chamberlain et al, 'Sexual harassment in organisational context' (2008) 35 *Work and Occupations* 262, 284.
- 15 This is consistent with broader research about perpetrators of workplace sexual harassment, which finds they are overwhelmingly male. See for example Paula McDonald, 'Workplace Sexual Harassment 30 Years on: A Review of the Literature' (2012) 14 *International Journal of Management Reviews* 1, 7; Kimberley A. Lonsway, Lilia M. Cortina and Vicki J. Magley, 'Sexual Harassment Mythology: Definition, Conceptualisation and Measurement' (2008) 58 *Sex Roles* 599, 599; Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018) 33.
- 16 Our Watch, *Counting on change: A guide to prevention monitoring* (2017) 25, 53, 57-8, 60, 67-9, 71, 74, 81.

Part I. Overview

Chapter 1. Introduction

1.1 Establishment of the review

1.1.1 REQUEST TO CONDUCT THE REVIEW

In 2014, Victoria Police engaged the Commission to complete an independent review into sex discrimination and sexual harassment, including predatory behaviour, in its workplace. Former Chief Commissioner Ken Lay commissioned the review because:

- there was clear evidence that many of Victoria Police's female employees were being discriminated against, and sexually harassed, in the workplace, despite the organisation's efforts to end this unlawful behaviour
- gender inequality lays at the heart of gender-based violence against women and he understood that to be a leading voice in the community against such violence, Victoria Police first had to address violence against women in the organisation
- Victoria Police could only improve the support it provides to victims/survivors if it addressed harmful attitudes in the organisation that give rise to victim-blaming and undermine service delivery in responding to gender-based violence, including family and sexual violence, in the community.

In a demonstration of the organisation's leadership and commitment to creating a safe, equal and respectful workplace, Victoria Police directed the Commission to conduct the review publicly. The (then) Chief Commissioner explained:

We could have undertaken an internal review but that wouldn't have led to systemic change. We need change more quickly. Sunlight is the best disinfectant.¹

Throughout the review, Victoria Police has been committed to reducing harm, embedding gender equality and holding itself publicly accountable for change. The Commission commends Victoria Police for tackling these issues head-on. We hope that more organisations will follow in Victoria Police's footsteps by proactively seeking to bring about the systemic changes that are needed to achieve gender equality in workplaces in Victoria and beyond.

1.1.2 ABOUT THE COMMISSION

The Commission is an independent statutory agency with responsibilities under the:

- *Equal Opportunity Act 2010*
- *Charter of Human Rights and Responsibilities Act 2006* (Charter)
- *Racial and Religious Tolerance Act 2001*.

We protect and promote human rights and eliminate discrimination, sexual harassment and victimisation, as far as possible. As Table 3 details, we do this in many ways.

Table 3 – The Commission’s functions

Resolve complaints	We resolve complaints of discrimination, sexual harassment, racial and religious vilification, and victimisation by providing a free confidential dispute resolution service.
Research	We undertake research to understand and find solutions to systemic causes of discrimination and human rights breaches.
Educate	We provide information to help people understand and assert their rights, conduct voluntary reviews of programs and practices to help organisations comply with their human rights obligations and provide education and consultancy services to drive leading practice in equality, diversity and human rights, including a collaborative approach to developing equal opportunity action plans.
Advocate	We raise awareness across the community about the importance of equality and human rights, encouraging meaningful debate, leading public discussion and challenging discriminatory views and behaviours.
Monitor	We monitor the operation of the Charter to track Victoria’s progress in protecting fundamental rights.
Enforce	We intervene in court proceedings to bring an expert independent perspective to cases raising equal opportunity, discrimination and human rights issues. We also conduct investigations to identify and eliminate systemic discrimination.

The Commission can research matters arising from, or incidental to, the operation of the Equal Opportunity Act that advance its objectives (see Chapter 3).² To this end, we may collect and analyse information and data relevant to the Act’s operation and objectives.³ We conducted the review under the research power.

1.2 Terms of Reference

The Terms of Reference defined the scope of the review. In summary, they directed the Commission to examine and make recommendations in relation to:

- the nature, extent, drivers and impacts of sex discrimination and sexual harassment, including predatory behaviour, among employees
- strategies to drive cultural and practice change and promote safety, equality and freedom from sexual harassment within Victoria Police
- other matters incidental to the Terms of Reference.

The full Terms of Reference are set out in Appendix A.

1.3 Phases of the review

As detailed in Table 4 below, the Commission conducted the review in three phases:

- an initial review (phase 1), delivered in 2015⁴
- an interim audit (phase 2), delivered in 2017⁵
- a final review and audit (phase 3), delivered in 2019.

In addition, the Commission provided regular advice and guidance to Victoria Police in relation to the implementation of the 20 recommendations that we made in the phase 1 report. This ‘continuous disclosure’ model operated between 2016 and 2018.

Table 4 – Phases of the review

Initial review (phase 1)	Interim audit (phase 2)	Final review and audit (phase 3)
We examined the nature, extent, drivers and impacts of sex discrimination and sexual harassment in Victoria Police.	We audited the extent of Victoria Police’s implementation of the phase 1 recommendations.	We again audited the phase 1 recommendations and assessed the current state of gender equality in Victoria Police in 2018.
We found a culture of everyday sexism and sexual harassment, structural barriers to gender equality and a lack of workplace flexibility.	We found Victoria Police had taken steps to achieve gender equality, but still had work to do to implement the recommendations fully.	We found that Victoria Police had implemented 80% of the phase 1 recommendations to a moderate or higher extent, and that work to address structural and cultural barriers to gender equality is driving organisational change.
We made 20 recommendations and issued an action plan to embed gender equality, safety and respect in the workplace.	We provided more guidance to support the implementation of the recommendations.	We made 16 recommendations to enable Victoria Police to continue to work towards achieving gender equality by 2030.
Victoria Police agreed to implement all recommendations.	Victoria Police agreed to action the guidance in implementing the phase 1 recommendations.	

The recommendations in the Commission’s report on phase 1 of the review were intended to create the foundational elements of a whole-of-organisation reform package to drive gender equality. The further advice provided in the phase 2 report identified critical points in each reform project that required additional work or a change in focus to acquit each foundational phase 1 recommendation. As set out below, this report on phase 3 of the review sets out the last steps required before Victoria Police has fully implemented our first 20 recommendations to drive foundational change. It also sets out 16 new recommendations to enable Victoria Police to continue to work towards achieving gender equality by 2030.

1.4 About the final review and audit

1.4.1 PURPOSE

The third and final phase of the review assesses the:

- progress Victoria Police has made in implementing the 20 recommendations that the Commission made in the phase 1 report
- state of gender equality in Victoria Police in 2018 and identifies areas where it still needs to improve in order to embed gender equality by 2030 (that is, roughly 10 years after the release of the phase 3 report).

The Commission’s intention is that the phase 3 report will equip Victoria Police with robust evidence, guidance and recommendations to take this important work forward on its own.

1.4.2 EXPERT PANEL

The Commission appointed an Expert Panel to advise on phase 3 of the review.

The panel was led by Kristen Hilton, the Victorian Equal Opportunity and Human Rights Commissioner. It also included:

- Major General Gerard Fogarty AO (retired), Chief Executive Officer, Defence Health Limited
- Professor Paula McDonald, QUT Business School, Queensland University of Technology
- Lucinda Nolan, Chief Executive Officer, Ovarian Cancer Research Foundation, and former Deputy Commissioner, Victoria Police.

Major General Fogarty and Professor McDonald were also members of the Expert Panel that oversaw the two earlier phases of the review.

Abbreviated biographies of the Expert Panel are set out at the start of this report.

1.4.3 METHODOLOGY

The findings and recommendations in this report are based on an independent, expert analysis of qualitative and quantitative data collected using audit and outcome monitoring frameworks developed by the Commission.

Our data collection frameworks

Audit framework

The Commission developed a framework to inform the audit of Victoria Police's progress in implementing the 20 recommendations from the phase 1 review. The framework identifies:

- outcomes for each recommendation that describe what successful implementation looks like
- indicators that identify what needs to change to achieve full implementation
- metrics that detail how we will know if Victoria Police has been successful in implementing the recommendations, informed by key data sources and research questions.

We consulted Victoria Police during the development of the framework, to ensure we presented the findings in a way that would best help the organisation to continue its implementation work after the review ends.

We then completed our analysis of the extent to which Victoria Police has implemented the phase 1 recommendations by applying the framework. The results of this analysis are presented in Part II of this report.

An abridged version of the audit framework is set out at Appendix B, while a complete copy has been provided directly to Victoria Police.

Outcome monitoring framework











The Commission developed an outcome monitoring framework to:

- assess the state of gender equality in Victoria Police in 2018
- set a baseline for the organisation's ongoing and long-term work to achieve gender equality by 2030.

The framework sets out a clear map for Victoria Police to measure its ongoing progress towards gender equality. It focuses on outcomes, rather than activities or outputs, to help Victoria Police to better identify the changes that are needed to achieve gender equality in the organisation. It is also aligned with the Victorian Government's *Outcomes Reform in Victoria* policy statement⁶ and Victoria Police's own vision, goals and capability plan.

The outcome monitoring framework – which was developed with the knowledge that gender inequality is a key driver of sex discrimination and sexual harassment – sets out 10 domains and key outcomes that are essential to achieve gender equality in Victoria Police by 2030 (see Figure 3).

Figure 3 – Outcome monitoring framework domains and key outcomes

Leadership 	Women's voices 	Values 	Representation and equal pay 	Flexibility 
Leadership drives a culture of inclusion and respect	The voices of women are elevated across the organisation	The values of safety, respect and inclusion drive employee behaviour	Women are paid and represented equally across all ranks and roles	All employees are supported to work flexibly
Pregnant employees, and parents and carers 	Promotion and progression 	Safety and victim-centricity 	Complaints and discipline 	Data collection and reporting 
Pregnant employees, and parents and carers are supported	Promotion and progression processes are fair and accessible to all employees	Workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre	The complaints and discipline systems are fair, timely, accessible and victim-centric	Data collection and reporting drive accountability and continuous improvement

The Commission selected these domains based on our expertise in Victoria's equal opportunity and human rights laws and in improving workplace equality, as well as our understanding of what Victoria Police needs to do to embed gender equality. We were also guided by *Safe and Strong*, the Victorian Government's gender equality strategy,⁷ Victoria Police's own *Gender Equality Strategy and Action Plan 2017–2020* (GESAP) and the best available international research on what works in embedding gender equality in workplaces, including in the policing context.

The Commission's outcome monitoring framework identifies:

- outcomes for each domain that describe what success looks like
- indicators that identify what needs to change (reflecting the key drivers and influences on progress towards an outcome)
- metrics that detail how we will know if Victoria Police is making progress towards gender equality, informed by key data sources and research questions.⁸

The Commission consulted Victoria Police and other key stakeholders when developing the framework.

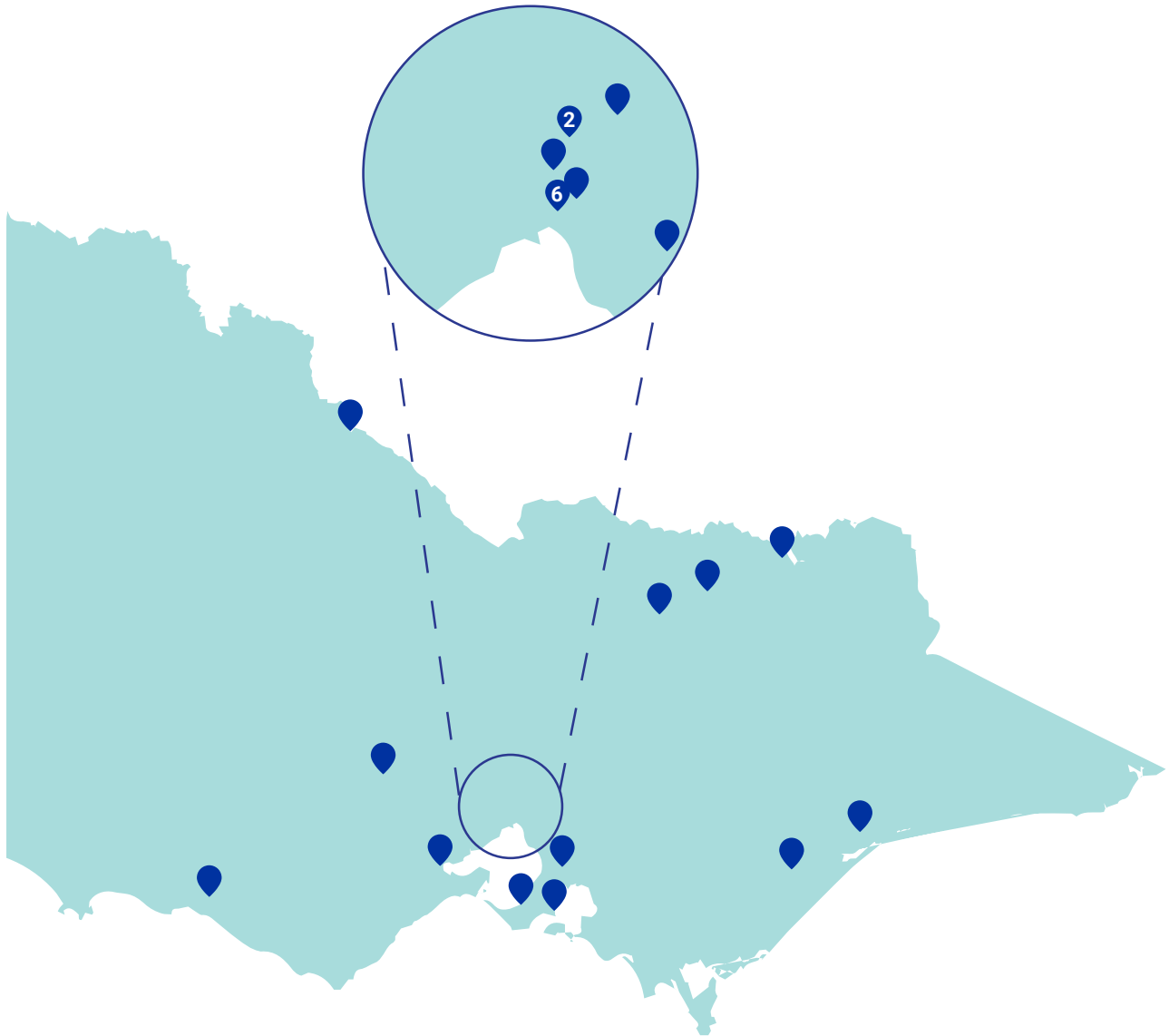
We assessed the state of gender equality in Victoria Police in 2018 by applying the framework. The analysis is set out in Part III of this report.

As with the audit framework, an abridged version of the outcome monitoring framework is set out at Appendix C, while a complete copy has been provided directly to Victoria Police.

Initial engagement with the workforce

Between June and August 2018, the Commission visited 26 Victoria Police stations, offices and work units to promote awareness of phase 3 and explain to employees how to participate (see Figure 4). These visits were part of our 'engagement roadshow'.

Figure 4 – Locations visited during engagement roadshow



During the visits, the Commission met with, and presented to, around 1020 employees. We held discussions and informal focus groups, allowing us to gather preliminary insights into the state of gender equality in the organisation before our formal research period began. We also distributed more than 5000 brochures to over 200 work sites that contained information about how employees could participate in the review.

Data sources and analysis

As set out below, the Commission examined information from a variety of sources for phase 3 of the review.

Employee survey	Interviews	Focus groups	Written submissions
Workforce data	Complaints data	Other Victoria Police documents	Legislation and secondary sources

We collected data from these sources between June 2018 and December 2018. In some instances, the research period extended to January 2019, but only where data collection was not possible earlier, for example when Cabinet-in-Confidence processes applied. Where time permitted, the Commission has referenced important broader events and developments that occurred up to and including June 2019.

In addition, the Commission examined data gathered during phases 1 and 2 of the review, as well as for the Commission's 2019 report, *Proud, visible, safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police*.⁹ *Proud, visible, safe* aims to contribute insights to further inform the work Victoria Police is already undertaking to create a workplace that is inclusive of employees who identify as lesbian, gay, bisexual, transgender and intersex (LGBTI). It was completed as a discrete project during phase 3 and launched publicly in May 2019.¹⁰

Employee survey

The Commission surveyed employees about experiences of sex discrimination and sexual harassment in Victoria Police. The survey (see Appendix D) asked about:

- experiencing or witnessing sexual harassment in Victoria Police since December 2015
- experiencing sex discrimination in Victoria Police since December 2015
- attitudes about, and perceptions of, safety and gender equality in Victoria Police.

The survey drew from the phase 1 questionnaire and was updated to:

- incorporate current best practice in relation to conducting surveys related to discrimination and/or sexual harassment
- enable participants to identify whether they believed their experiences were related to their sexual orientation, gender identity or intersex status.

The survey was piloted with 19 volunteers in August 2018. Minor changes to the wording of some questions were made following this process.

We engaged Australian Survey Research Group to conduct the survey, which was both voluntary and anonymous. We made the survey accessible online via computer, tablet or smartphone and, upon request, in hard copy. Each employee accessed a unique link to the survey, to ensure they could complete the survey only once.

The survey was in the field between 13 September 2018 and 25 October 2018. We invited the 20,965 people employed by Victoria Police during the survey period to complete the survey.¹¹ Of these employees, 6026¹² (28.7 per cent) participated in the survey. This was a similar response rate to the 2015 survey.¹³

Participation in the survey was representative of Victoria Police's workforce.

6026

Victoria Police
employees
participated
in the survey

Of the 6026 employees who completed the survey:

- 4124 were police members (26.8 per cent of 15,377 police members)
- 1378 were VPS employees (37.5 per cent of 3674 VPS employees)
- 302 were PSOs (20 per cent of 1514 PSOs)
- 139 were PCOs (34.8 per cent of 400 PCOs).

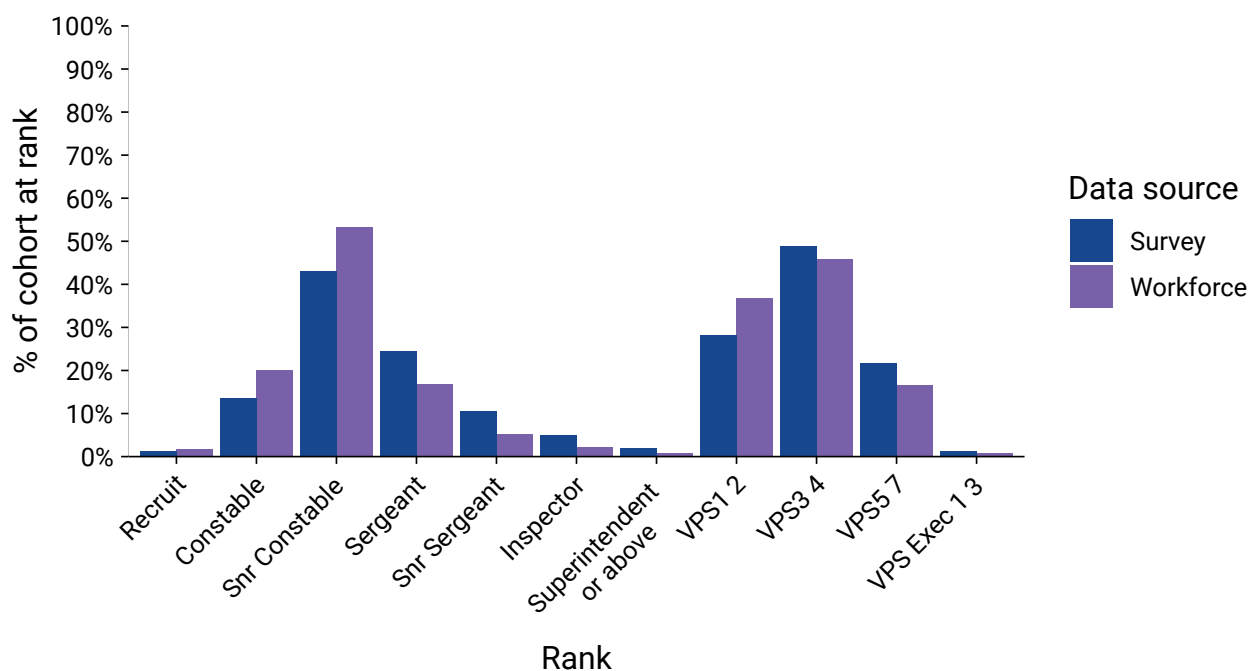
Of the survey participants who identified their gender:

- 2324 (39.7 per cent) identified as female (compared to 34.1 per cent across the workforce)
- 3529 (60.3 per cent) identified as male (compared to 66 per cent across the workforce).

As the number of survey respondents who self-described their gender or identified as trans or intersex was very small,¹⁴ this report does not include a separate percentage for these groups in survey results, including in plots or graphs.

The distribution of ranks across survey participants was also broadly consistent with the overall workforce, as illustrated in Figure 5 below.

Figure 5 – Rank distribution of survey respondents compared to the entire Victoria Police workforce (police member and VPS cohorts only)



Interviews

The Commission conducted confidential interviews with 100 people, including:

- current employees and employees who left Victoria Police after December 2015 regarding experiences of sex discrimination and sexual harassment
- employees and external stakeholders involved in implementing or overseeing the implementation of the phase 1 recommendations, or Victoria Police’s ongoing gender equality work
- senior Victoria Police leaders, including Executive Command and Command members.

Interviews regarding sex discrimination and/or sexual harassment focused on experiences since December 2015, to allow us to assess how the state of gender equality in Victoria Police has changed since the release of the phase 1 report.

We transcribed the interviews and allowed each participant to review and amend their interview transcripts for accuracy.

Focus groups

The Commission conducted 20 focus groups. Most focus groups were held in outer metropolitan or regional locations. Others were targeted at specific groups of employees, such as members of Women in Policing Local Committees, sergeants and senior sergeants and members of the Stand Practice Leaders Network.

Submissions

The Commission received five written submissions on a range of issues from current employees and external stakeholders.

Victoria Police workforce and complaints data

The Commission reviewed information about Victoria Police's workforce profile. This included information detailing sex, rank, classification and work area. Unless otherwise noted, Victoria Police's workforce data is current as at November 2018.¹⁵ It also included data related to return-to-work following leave and participation in training.

We also reviewed information related to complaints of sex discrimination and sexual harassment made between 1 January 2017 and 8 November 2018.

Other Victoria Police documents

The Commission reviewed other documents provided by Victoria Police. These included policies, procedures, internal surveys and correspondence.

Legislation and secondary sources

The Commission undertook a comprehensive review of the governing legislation and relevant secondary sources. This included five literature reviews on the following key topics:

- gender equality and organisational responses to gendered harm in a policing context
- the concept of merit in the progression and promotion of women in policing organisations
- backlash against gender equality initiatives and responses to backlash
- the link between diversity and capability in policing organisations
- attitudinal change in policing organisations.

Ethics

Principles guiding the review

Several principles underpinned the review, as detailed in Table 5.

Table 5 – Principles guiding the review

Safety and wellbeing	Information about participants was de-identified to protect their identities and guard against the potential for retribution. We offered participants access to support services, including referrals to a Centre Against Sexual Assault and, for those who wanted to make a complaint under the Equal Opportunity Act, to the Commission's Dispute Resolution Service.
Informed consent	Before consenting to being involved, individuals were given information about the Terms of Reference, data gathering and use, privacy, consent and access to information. Participants could review and amend their interview transcript for accuracy.
Confidentiality	Personal and identifying information was kept confidential and stored securely. Participant data was stored using a numeric identifier, which was only linked with their identity in a password-protected database. In line with the Equal Opportunity Act, we did not disclose matters relating to the affairs of any person without their consent, unless required by law.
Voluntary	Participation was voluntary. Individuals could withdraw the information they provided in interviews or focus groups up until the time the report was sent to print. Information about individuals who withdrew is not included in this report. Due to the de-identified nature of the survey, survey respondents could not withdraw their information after survey submission.
Inclusive	All Victoria Police employees were invited to participate in the review. Former employees who experienced sex discrimination or sexual harassment between December 2015 and October 2018 were also able to participate in interviews.
Ethical human research	We received full ethics approval from the Justice Human Research Ethics Committee for the phase 3 research methodology (see below).
Expertise	We engaged staff with relevant expertise and trained them in best practice, trauma-informed approaches to reports of harm. This included workshops with CASA House, one of Victoria's Centres Against Sexual Assault.

Ethics approval

The Commission must seek ethics approval from the Justice Human Research Ethics Committee when conducting research that involves:

- more than a low level of risk for people for whom the Department of Justice and Community Safety is responsible
- people associated with, or affected by, the activities of the department.

Following our application, the committee determined that the phase 3 research methodology complies with the National Health and Medical Research Council's National Statement on Ethical Conduct in Human Research (2007).

A summary of key steps in the ethics approval process follows in Table 6.

Table 6 – Chronology of key dates of formal ethics approval of research methodology

Dec 2017	Application to the Justice Human Research Ethics Committee for ethics approval for the phase 3 research methodology
Feb 2018	Provisional approval of the phase 3 research methodology received, with further information requested about the focus groups and the survey
Mar 2018	Full approval of the phase 3 research methodology received
Jun 2018	Full approval of the amended survey instrument received

The Commission complied with the conditions imposed on us by the committee. This included submitting a completion report at the end of the research phase and providing summarised findings from the research.

Natural justice process

This report includes adverse comments and findings about, and makes recommendations that affect, Victoria Police and the broader Victorian Government.¹⁶

As set out in Table 7, the Commission provided Victoria Police and the Victorian Government with opportunities to:

- verify the accuracy of the information in the report that affected them
- respond to adverse comments, as well as the findings and the recommendations.

Table 7 – Summary of natural justice process

Feb 2019	Commissioner Hilton briefed Victoria Police on the preliminary findings and recommendations arising from the review
May 2019	The Commission provided the draft report to Victoria Police for review
	Victoria Police provided feedback on the draft report
Jun 2019	Victoria Police provided further feedback on the draft report
	The Commission provided excerpts of the draft report to the Department of Justice and Community Safety to coordinate a review of the final report on behalf of the Victorian Government
	The department provided feedback on the draft report

The Commission then considered the responses provided by Victoria Police and the department in finalising this report.

Limitations of the review

The review is limited by the nature and quality of the data available at the time of the review, including the data provided to the Commission by Victoria Police.

The Terms of Reference also excluded some issues from the scope of the review:

- the extent of sex discrimination and sexual harassment by Victoria Police employees against members of the public
- the prevalence of family violence involving employees, either as victims/survivors or perpetrators
- barriers that members of the public face in reporting sexual harassment by Victoria Police employees.

1.5 About this report

1.5.1 PURPOSE

This report is the culmination of the Commission's five-year review into sex discrimination and sexual harassment in Victoria Police. It presents the findings and recommendations of the final phase of the review and documents the experiences of many current and former employees affected by these unlawful and damaging behaviours.

1.5.2 STRUCTURE

Part I. Overview

Part I sets out the background to the review and the final report.

- **Chapter 1** details the review's establishment, scope, research methodology and governance, as well as key terms and other information about the report.
- **Chapter 2** outlines the role, functions and organisational structure of Victoria Police. It also provides demographic information about the organisation's workforce.
- **Chapter 3** describes the laws that govern sex discrimination and sexual harassment in Victoria.
- **Chapter 4** outlines the meaning of the term 'gender equality', the impacts of gender inequality and the key benefits that gender equality can deliver for individual employees, organisations and the broader community.

Part II. Audit outcomes

Part II assesses the extent to which Victoria Police has implemented the Commission's recommendations from phase 1, by applying the audit framework.

- **Chapter 5** addresses the implementation of recommendations 1 to 5, focusing on the foundations of change.
- **Chapter 6** analyses the implementation of recommendations 6 to 8, 11 and 17, which aim to support gender equality throughout women's careers in Victoria Police.
- **Chapter 7** addresses recommendations 9, 10, 12 and 15, assessing the extent to which Victoria Police has developed individual and organisational capability related to gender equality.
- **Chapter 8** analyses the implementation of recommendations 13, 14, 16, 18, 19 and 20 relating to Victoria Police's responses to sex discrimination and sexual harassment, sometimes referred to collectively in the report as 'workplace harm'.

Part III. The state of gender equality in Victoria Police

Part III evaluates the state of gender equality in Victoria Police in 2018. It also identifies areas where Victoria Police needs to improve to achieve gender equality, safety and respect in its workplace by 2030.

- **Chapter 9** provides a snapshot of current experiences of sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police. It also outlines the results of the Commission's analysis using the outcome monitoring framework, describing the goals and indicators of success in each domain. It highlights Victoria Police's key successes in achieving those goals, as well as key areas where the organisation still needs to improve.
- **Chapter 10** maps out clear priorities for Victoria Police as it embarks on the next phase of the organisation's change journey.

Part IV. Appendices

Part IV contains all appendices for the report.

1.5.3 KEY TERMS

Some of the key terms used in this report are defined below in Table 8. A list of acronyms used in the report is set out in Appendix E.

Table 8 – Key terms

Discrimination	<p>Unfavourable treatment based on a protected attribute (or a characteristic that a person with that attribute generally has).¹⁷</p> <p>The attributes directly within the scope of this review are sex, pregnancy, breastfeeding and parental or carer status.</p>
Gender equality	<p>Gender equality requires:</p> <ul style="list-style-type: none"> • women and men to be treated the same because they are equal (formal equality) • equality of opportunity and results, which sometimes necessitates non-identical treatment to address biological and socially and culturally constructed differences between women and men (substantive equality) • the redistribution of power and resources among women and men, the transformation of institutions, systems and structures that cause inequality and the modification of harmful norms, prejudices and stereotypes that deny women their autonomy and agency and the opportunity to develop their abilities, pursue their professional careers and make choices without the limitations they set for women (transformative equality).¹⁸
Predatory behaviour	<p>A misuse of authority or influence with the intention of exploiting others for sexual or other personal gratification.</p>
Senior leader	<p>Senior leaders in Victoria Police are employees who are responsible for strategic organisational management and/or oversight. This may include senior members at station and divisional level and above.</p>
Sexual harassment	<p>Unwelcome conduct of a sexual nature, unwelcome sexual advances or unwelcome requests for sexual favours, which could be expected to make a reasonable person feel offended, humiliated or intimidated.¹⁹</p>
Victim/survivor	<p>Victim and survivor are used interchangeably to describe people who have experienced some form of sex discrimination or sexual harassment, including predatory behaviour. We acknowledge the term victim may be problematic as, for some people, it may be seen to perpetuate stereotypes about lack of agency or resilience for people targeted by these behaviours.</p>
Victimisation	<p>Victimisation occurs when a person:</p> <ul style="list-style-type: none"> • punishes or threatens to punish someone because they have made a complaint • helped someone else make a complaint • refused to do something because it would be discrimination, sexual harassment or victimisation.²⁰
Workplace harm	<p>Workplace harm is used an umbrella term to refer to sex discrimination and/or sexual harassment, including predatory behaviour. It also includes victimisation.</p>

1.5.4 DOCUMENTING PERSONAL EXPERIENCES

De-identified, individual experiences of sex discrimination and sexual harassment in Victoria Police are included in this report to illustrate the nature of these experiences as they arise within the Victorian Police context. These narrative-based experiences are included as an account of events as told by victims/survivors and witnesses.

Notes

- 1 Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase one report* (State of Victoria, 2015) 39.
- 2 *Equal Opportunity Act 2010* (Vic) s 157(1).
- 3 *Equal Opportunity Act 2010* (Vic) s 157(2).
- 4 Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase one report* (State of Victoria, 2015).
- 5 Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase 2 audit* (State of Victoria, 2017).
- 6 Department of Premier and Cabinet, *Outcomes reform in Victoria* (State of Victoria, undated).
- 7 *Victorian Government, Safe and Strong: A Victorian gender equality strategy* (State of Victoria, 2016).
- 8 Department of Premier and Cabinet, *Outcomes reform in Victoria* (State of Victoria, undated) 5.
- 9 Victorian Equal Opportunity and Human Rights Commission, *Proud, visible, safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police* (State of Victoria, 2019).
- 10 Victorian Equal Opportunity and Human Rights Commission, 'New LGBTIQ report guides Victoria Police to more inclusive workplaces for employees' (Media release, 16 May 2019).
- 11 Victoria Police provided the Commission with a list of all Victoria Police employees' email addresses current at 10 September 2018. We later requested an updated list current at 11 October 2018 and invited employees who had joined Victoria Police after 10 September to complete the survey. This was to ensure that as many employees as possible had the opportunity to complete the survey.
- 12 The workforce figures are based on Victoria Police's employee database as at November 2018. In total, 430 survey responses were not analysed because they had not answered enough questions in the survey for their response to be meaningful. Excluding these responses meant that the demographics we reported accurately reflected the respondent's demographics. The total number of responses to some survey questions was lower than for others due to respondents choosing not to answer that question or selecting 'prefer not to answer'. Throughout phase 3, the Commission took a cautious approach to claiming that interventions undertaken by Victoria Police since the release of the phase 1 report in 2015 'caused' changes in workforce demographics or survey or interview responses revealed in phase 3. This is because in a large complex organisation such as Victoria Police, organisational change interventions may be multi-layered, staggered in terms of time and varied in their implementation or intensity. Hence, the precise impact of any intervention on a particular behavioural or workplace outcome is difficult to determine.
- 13 The 2015 survey was completed by 4887 of Victoria Police's then roughly 17,000 employees (28.7 per cent). For a further breakdown of responses to the 2015 survey, see Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase one report* (State of Victoria, 2015) 49.
- 14 Six survey respondents self-described their gender, seven identified as trans and four identified as intersex.
- 15 For all analyses that involved employee cohorts, forensic officers and police medical officers were included in the VPS cohort. Recruits and probationary constables were included in the police member cohort, unless noted otherwise.
- 16 An adverse finding is a finding that an affected stakeholder considers to be inaccurate, concerning or unfair to the organisation or its employees. It is also a finding that is likely to adversely affect a person's rights or reputation.
- 17 *Equal Opportunity Act 2010* (Vic) s 7.
- 18 See Section 4.1 for a detailed discussion of the meaning of the term 'gender equality'.
- 19 *Equal Opportunity Act 2010* (Vic) s 92(1).
- 20 *Equal Opportunity Act 2010* (Vic) s 104.

Chapter 2.

About Victoria Police

Key points

- Victoria Police serves the Victorian community and upholds the law in order to promote a safe, secure and orderly society.
- As at 30 November 2018, Victoria Police employed 20,965 people across 600 police locations, spanning urban, regional and rural Victoria. This equates to one in every 187 working-age Victorians.
- Victoria Police is the largest police and emergency services employer in Victoria and the third largest public entity employer in the Victorian Public Sector.
- In 1917, just over 100 years ago, Victoria Police employed its first two women. Women now comprise 34.1 per cent of the organisation's overall workforce, compared to men who make up 65.9 per cent.
- Women are significantly outnumbered by men in all Victoria Police cohorts, other than the Victorian Public Service.
 - Women comprise 28.3 per cent of police members and recruits, compared to men who represent 71.7 per cent of this cohort. These figures correlate with the national average for policing organisations (27.2 per cent).
 - Women make up 28.8 per cent of Police Custody Officers, while men comprise 71.2 per cent of this cohort.
 - Women make up 9.9 per cent of Protective Services Officers, compared to 90.1 per cent of this cohort whom are men.
 - Women comprise 68.9 per cent of Victoria Police's Victorian Public Service employees, while men represent 31.1 per cent of this cohort.
- The proportion of women in Victoria Police's workforce overall and in all cohorts except the Victorian Public Service is much lower than the proportion of women across all job sectors in Australia, which is 46.7 per cent.
- In addition to being significantly outnumbered by men across Victoria Police's workforce, women are over-represented at the lower police member and Victorian Public Service ranks and under-represented at all the highest ranks of the organisation.

Chapter 2 provides a brief overview of the role, functions, organisational structure and workforce profile of Victoria Police – the state’s main law enforcement agency.

2.1 Role and functions

Established in 1853, Victoria Police provides policing services across 600 police locations, including 333 police stations, in four regions across the state. Victoria Police has seven specialist operational commands and 12 departments.¹

The *Victoria Police Act 2013* (Victoria Police Act) states that the role of Victoria Police is ‘to serve the Victorian community and uphold the law so as to promote a safe, secure and orderly society’.² Its functions under the Victoria Police Act include preserving the peace, protecting life and property, preventing the commission of offences, detecting and apprehending offenders and helping those in need of assistance.³

Victoria Police also has functions and responsibilities under other Victorian legislation, including, but not limited to, the:

- *Crimes Act 1958*
- *Summary Offences Act 1966*
- *Drugs, Poisons and Controlled Substances Act 1981*
- *Road Safety Act 1986*
- *Firearms Act 1996*
- *Liquor Control and Reform Act 1998*
- *Sex Offenders Registration Act 2004*
- *Family Violence Protection Act 2008*
- *Serious Offenders Act 2018*.

Victoria Police’s workforce comprises police members, PSOs, PCOs and VPS employees, each with distinct roles and functions, as described in Table 9 below.

Table 9 – Victoria Police general workforce categories

Police	Police members act as first responders to reports of criminal activity, critical incidents and emergencies, enforcing the law and protecting public safety ⁴
PSOs	PSOs patrol train stations (including car parks and surrounds), cover some major events in locations other than train stations and provide security at Victorian courts and other select government buildings, including the Parliament of Victoria and Government House ⁵
PCOs	PCOs are responsible for overseeing the management of persons in the custody of Victoria Police ⁶
VPS employees	VPS employees perform a range of generalist, skilled and specialist roles to support police members in their duties and Victoria Police in meeting the organisation’s strategic objectives ⁷

2.2 Ranks, classifications and structure

2.2.1 RANKS AND CLASSIFICATIONS

Roles in Victoria Police are made up of a broad range of ranks and classifications. The Victoria Police Act outlines the rank structure for police members and PSOs.⁸ The *Public Administration Act 2004* (Vic) sets out classifications for VPS employees, including PCOs.

Table 10 – Victoria Police ranks and classifications

Police members	VPS employees (public servants)	PSOs	Other
Chief Commissioner	Executive Officer grades 1–3	PSO senior supervisor	Senior pilot
Deputy Commissioner	Senior Medical Advisor	PSO supervisor	Line pilot
Assistant Commissioner	Senior Technical Specialist Grade 7	PSO senior	Check and training pilot
Commander	VPS grades 1–6	PSO first class	
Superintendent	Forensic Officer grades 1–7	PSO	
Chief Inspector	Police Custody Officer grades 1–3		
Inspector			
Senior Sergeant			
Sergeant			
Senior Constable			
Constable			

2.2.2 ORGANISATIONAL STRUCTURE

Table 11 below details Victoria Police's organisational structure as at March 2019.

Table 11 – Victoria Police organisational structure

Chief Commissioner of Police	Regional Operations	<ul style="list-style-type: none"> Family Violence Command State Emergencies and Support Command Transit and Public Safety Command North West Metro Region Southern Metro Region Eastern Region Western Region
	Specialist Operations	<ul style="list-style-type: none"> Counter Terrorism Command Road Policing Command Crime Command Intelligence and Covert Support Command Forensic Services Department Legal Services Department
	Capability	<ul style="list-style-type: none"> Capability Department Human Resource Department Media and Corporate Communications Department Professional Standards Command People Development Command VEOHRC Review Response, Partnerships and Innovation
	Corporate and Regulatory Services	<ul style="list-style-type: none"> Public Support Services Department Procurement Department Strategic Investment, Reporting and Audit Department Corporate Finance Department Executive Services and Governance Department Enterprise Program Management Department
	IT and Infrastructure	<ul style="list-style-type: none"> Operational Infrastructure Department Information Systems and Security Command Planning, Contracts and Finance

Key leadership roles

Chief Commissioner of Police

The most senior rank in Victoria Police is the Chief Executive – the Chief Commissioner of Police – currently Graham Ashton AM. The Chief Commissioner reports to the Minister of Police, the Honourable Lisa Neville MP, and is responsible for the management and control of Victoria Police.⁹

Executive Command

Victoria Police's executive, known as Executive Command, consists of the Chief Commissioner, three Deputy Commissioners, two Deputy Secretaries and the Chief Information Officer. Each member of Executive Command leads a portfolio, which are described below.

Victoria Police Command

Victoria Police also has a wider leadership group – Victoria Police Command – with day-to-day responsibility for the five portfolio areas. These leaders include heads of regions and commands, such as Assistant Commissioners and Executive Directors who are heads of departments.

Portfolios

Victoria Police is comprised of five portfolios.

- Regional Operations, including operational policing according to geographical region, family violence, transit and public safety and emergency support.
- Specialist Operations, covering specialist subject areas, such as counter terrorism, road policing, intelligence, serious and organised crime, legal and forensic services.
- Capability, encompassing communications, training, reform, human resources and professional standards.
- Corporate and Regulatory Services, which includes business areas, such as executive services, corporate finance, audit, reporting and procurement.
- IT and Infrastructure, including operational infrastructure, information systems and security command and planning, contracts and finance.¹⁰

2.3 A snapshot of Victoria Police's workforce

Victoria Police is a multi-skilled workforce, where police members and PSOs serve the community alongside VPS employees. VPS employees include PCOs, administrators, managers, clerks and specialist professionals, such as lawyers, intelligence analysts, accountants, psychologists and forensic scientists.

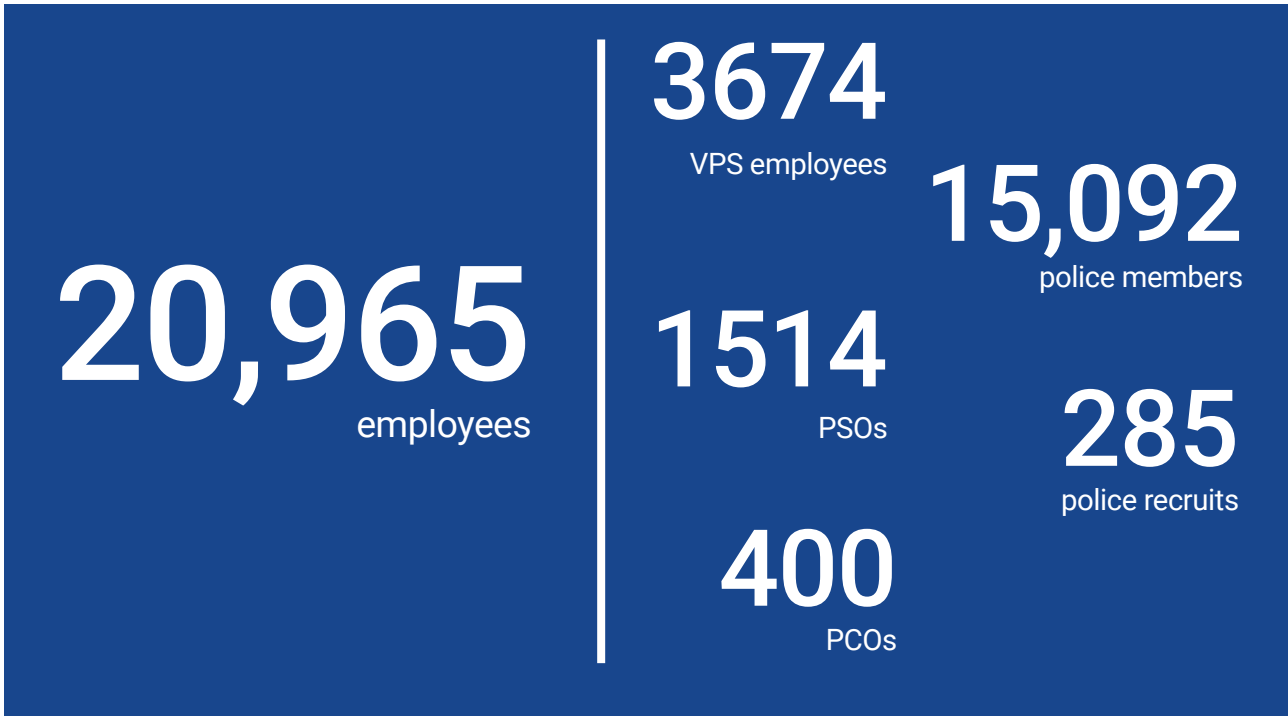
The demographics of the Victoria Police workforce are transforming to meet the changing nature and needs of the Victorian community it serves. In recent times, Victoria Police has deliberately sought to increase the diversity of its workforce. This includes recruiting more women, Aboriginal and Torres Strait Islander people and people from multi-cultural and multi-faith backgrounds.¹¹

Victoria Police's public-facing role means the organisation's workforce culture and the wellbeing of its employees influence the lives of many Victorians, in addition to those of the people that the organisation employs. Police members have day-to-day contact with community members who are often at their most vulnerable. For instance, Victoria Police responds to an incident of family violence around once every seven minutes.¹² The ability of Victoria Police to respond effectively to the needs of diverse Victorian communities is closely linked with organisational attitudes to gender equality, diversity, respect and inclusion (see Section 4.3).¹³

Section 2.3 presents a brief snapshot of Victoria Police's workforce. All figures are current as at 30 November 2018, unless otherwise stated.

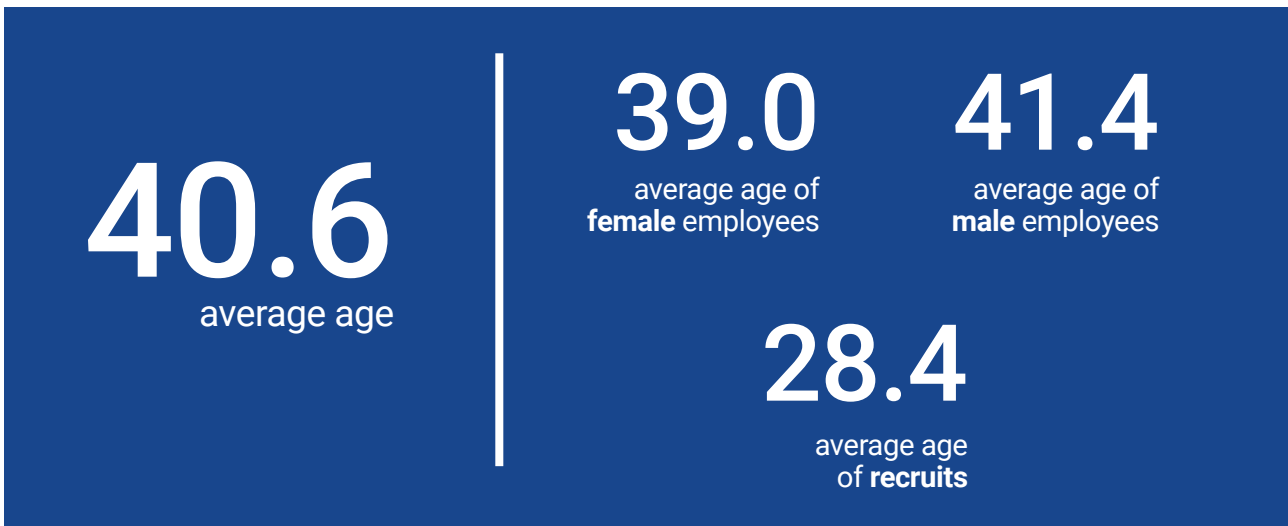
2.3.1 NUMBER OF EMPLOYEES AND RECRUITS

As at November 2018, Victoria Police employed 20,965¹⁴ people – around one in every 187 working-age Victorians. Victoria Police is the largest police and emergency services employer in Victoria and the third largest public entity employer in the Victorian Public Sector.¹⁵



2.3.2 AGE

The average age of a member of Victoria Police is around 40 years, in line with the average employee age across all job sectors in Australia.¹⁶



2.3.3 GENDER

Comprising 65.9 per cent of Victoria Police's overall workforce, men outnumber women (34.1 per cent of the workforce) across almost all employee cohorts. Only the VPS cohort has more women (68.9 per cent) than men (31.1 per cent).

The gender gap is pronounced among police members and recruits, with men comprising 71.7 per cent of that cohort. Women comprised 28.3 per cent of police members and recruits, which correlates with the national average for policing organisations (27.2 per cent). However, the figures regarding female police members and female employees generally are much lower than the proportion of women across all job sectors in Australia, which is 46.7 per cent.¹⁷

Male and female employees

7142

female employees

13,823

male employees

Male and female police members and recruits

4277

female police members

70

female recruits

10,815

male police members

215

male recruits

Male and female police members and recruits and VPS employees

4347

female police members
and recruits

2530 female VPS employees

150 female PSOs

115 female PCOs

11,030

male police members
and recruits

1144 male VPS employees

1364 male PSOs

285 male PCOs

A brief history of women in Victoria Police

The history of women in Victoria Police officially began in 1917, with the pioneering efforts of Madge Connor and Elizabeth Beers, who became the first female police members. While nominally sworn in, Victoria Police did not afford Madge Connor and Elizabeth Beers powers of arrest or a uniform. Furthermore, they received half the pay of male police members and their roles were limited to social work with vulnerable children and women.

After relentless campaigning for equal status, in 1924, female police members in Victoria became the first women in Australia to receive pay equal to their male colleagues.¹⁸

World War II saw a boost in numbers of women in the police force and in 1942 Victoria responded to the labour shortage caused by the war by forming the Women's Auxiliary Force. This led to 202 women joining Victoria Police, many of whom continued to serve after the war ended.¹⁹

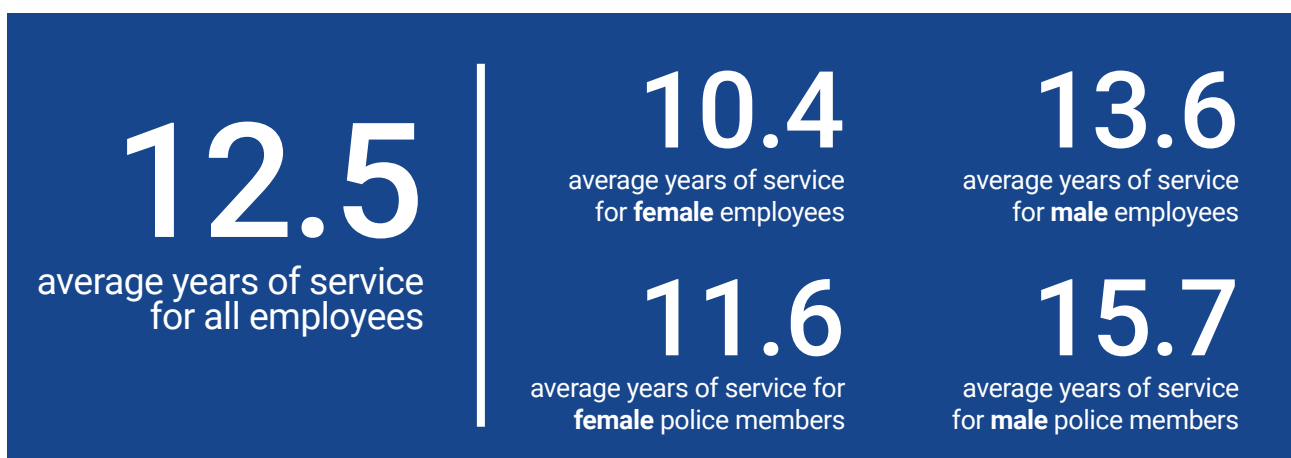
Following World War II and the social movements of the 1970s and 1980s, more women began joining Victoria Police and women began to undertake a wider range of roles.

The appointment of Christine Nixon in 2001 to the most senior leadership position – Chief Commissioner of Victoria Police – was a notable milestone in the path towards gender equality.²⁰

In 2017, Victoria Police celebrated 100 years of women in policing. This historic milestone is a testament to the pioneering women of Victoria Police who incrementally broke through gendered barriers, decade by decade.²¹ First, to join the police force and receive the same pay and rights, then to wear a uniform, wear pants and carry weapons (not in a police-issued handbag), and more recently to perform diverse roles and specialist positions, and access parental leave and flexible work.²²

2.3.4 LENGTH OF SERVICE

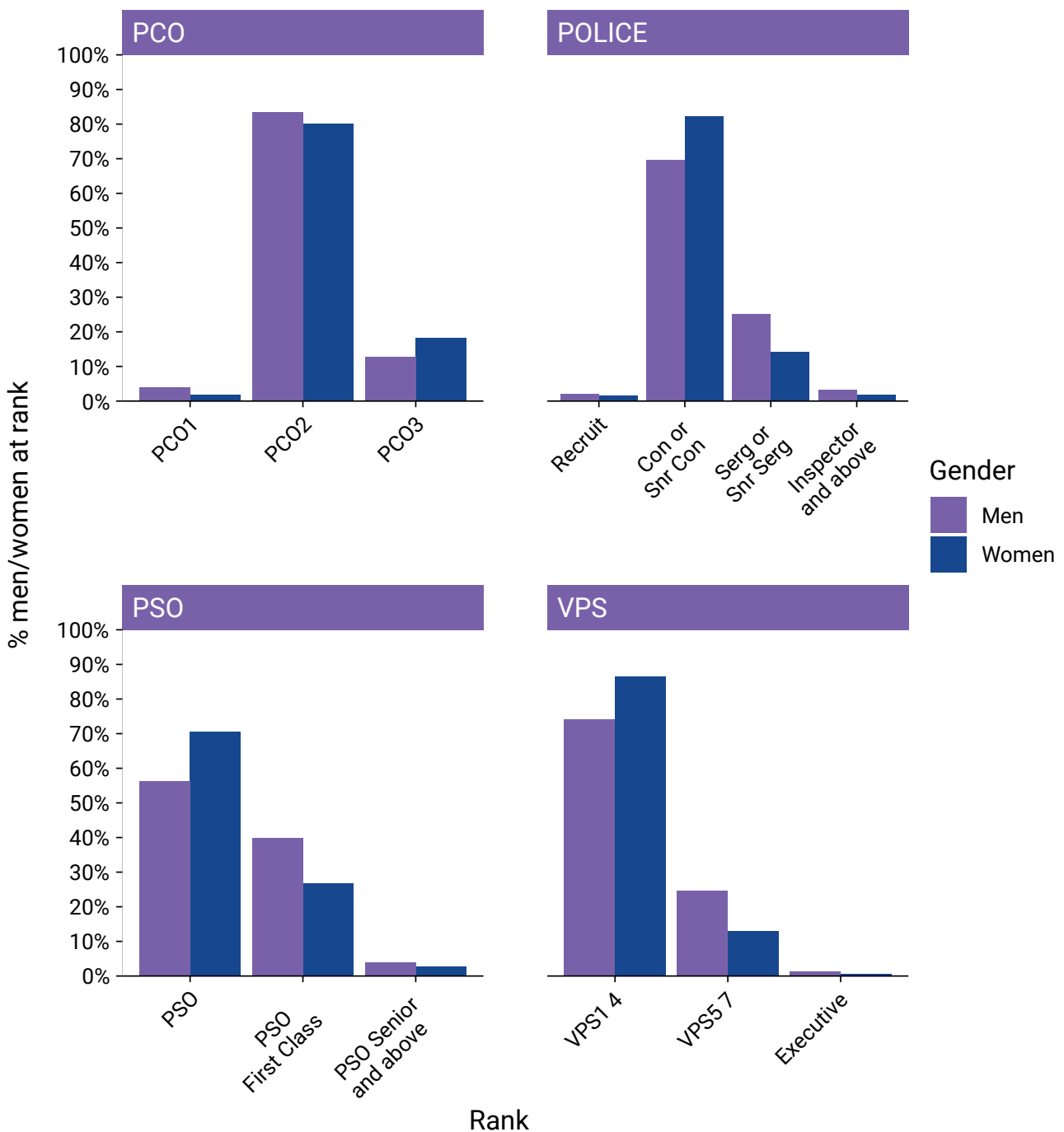
Victoria Police employees tend to stay with the organisation for long periods of time. This is particularly the case for police members. However, men characteristically serve for markedly longer periods than women, even when taking periods of paid parental leave into account.²³ Female police members tend to retire earlier than male police members, and at earlier points in their policing careers. For a more detailed discussion of retention and attrition, see Chapter 6.



2.3.5 RANK

Men outnumber women at every police member rank of Victoria Police. In addition, as Figure 6 below shows, women are under-represented across the higher police ranks compared with men.²⁴ This means that the higher police member ranks are dominated by men. For the PSO, police, and VPS cohorts, we see that women are more likely than men to be employed at lower ranks, and less likely to be employed at higher ranks.

Figure 6 – Distribution of ranks within genders



2.3.6 TYPICAL EMPLOYEES ACCORDING TO RANK

Typical high-ranking police member – Inspector and above

Victoria Police employs 441 police members at the rank of Inspector and above. A typical member at the highest levels of the organisation's police member ranks is set out below.

Rank	Chief Commissioner, Deputy Commissioner, Assistant Commissioner, Commander, Superintendent and Inspector
Sex	81.9% chance of being male
Age ²⁵	54 years old
Length of service ²⁶	32 years of experience with Victoria Police
Employment status	82.8% chance that he would be working full-time
Work location	90.2% chance of being based in Melbourne

Typical middle-manager police member

Victoria Police employs 3394 police members at the rank of Sergeant and Senior Sergeant. These employees are the police member equivalent to a middle-manager. Those working in an operational environment might be the 'Officer in Charge' of a unit, responsible for the day-to-day running of a station or unit, or coordination and support of a team or crew.

Rank	Sergeants and senior sergeants
Sex	81.8% chance of being male
Age	48 years old
Length of service	24 years of experience with Victoria Police
Employment status	81.4% chance that he would be working full-time
Work location	81.5% chance of being based in Melbourne

Typical police member

Most Victoria Police employees are police members at the level of constable and senior constable: 11,257 people.

Rank	Constables and senior constables
Sex	68.2% chance of being male
Age	37 years old
Length of service	8 years of experience with Victoria Police
Employment status	80.6% chance that he would be working full-time
Work location	79% chance of being based in Melbourne

Typical VPS leader

Victoria Police employs 27 people at the executive officer level.

Rank	Executive Officers 1 to 3
Sex	51.9% chance of being male
Age	49 years old
Length of service	9 years of experience with Victoria Police
Employment status	88.9% chance that he would be working full-time
Work location	100% chance of being based in Melbourne

Typical VPS manager or supervisor

Victoria Police employs 610 public service employees at the level of VPS grades 5 to 7. These employees are most likely working in supervisory, management or strategic advisory roles, based in metropolitan Melbourne.

Rank	VPS Grade 5 to 7; Forensic Officer Grade 5 to 7; Police Medical Officers
Sex	53.9% chance of being female
Age	47 years old
Length of service	9 years of experience with Victoria Police
Employment status	71.3% chance that she would be working full-time
Work location	99.9% chance of being based in Melbourne

Typical VPS employee

Victoria Police employs 3037 people at VPS grades 1 to 4. Many of these employees work in administrative or support roles. Those at grade 3 and 4 level often also perform team leader or more senior duties. If you met one of these employees, they would be far more likely to be female and working part-time.

Rank	VPS Grade 1 to 4; Forensic Officer 1 to 4
Sex	72% chance of being female
Age	40 years old
Length of service	6 years of experience with Victoria Police
Employment status	44% chance that she would be working full-time
Work location	93.6% chance of being based in Melbourne

Typical PSO employee

Victoria Police employs 1514 PSOs who are almost all male and based in Melbourne.

Sex	90% chance of being male
Age	34 years old
Length of service	3 years of experience with Victoria Police
Employment status	87.5% chance that he would be working full-time
Work location	99% chance of being based in Melbourne

Typical PCO employee

Victoria Police employs 400 PCOs, who are likely to be male, working part-time and across Victoria rather than predominantly in metropolitan Melbourne

Sex	71.3% chance of being male
Age	35 years old
Length of service	1 year of experience with Victoria Police
Employment status	20% chance that he would be working full-time
Work location	50% chance of being based in Melbourne

Notes

- 1 Figures are current as at 30 June: Victoria Police, *Annual Report 2017–18* (September 2018) 5.
- 2 *Victoria Police Act 2013* (Vic) s 8.
- 3 *Victoria Police Act 2013* (Vic) s 9(1).
- 4 Victoria Police, *About the Role* (2019) <<http://www.policecareer.vic.gov.au/police/about-the-role>>.
- 5 Victoria Police, *About the Role* (2019) <<https://www.policecareer.vic.gov.au/pso/about-the-role>>.
- 6 Victoria Police, *Police Custody Officers – about the role* (2 April 2019) <<https://www.police.vic.gov.au/pco-about-role>>.
- 7 Victoria Police, *Victorian Public Servants* (2019) <<https://www.policecareer.vic.gov.au/vps>>.
- 8 *Victoria Police Act 2013* (Vic) s 13.
- 9 *Victoria Police Act 2013* (Vic) s 16(1)(b).
- 10 Victoria Police, *Structure* (13 June 2019) <<https://www.police.vic.gov.au/structure#organisational-structure>>.
- 11 Victoria Police, *Valuing Diversity* (12 April 2019) <<https://www.police.vic.gov.au/diversity>>.
- 12 Victoria Police, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018–2023* (November 2017) 7.
- 13 Victorian Government, *Improving Victoria Police capability, culture and technology* (8 June 2018) Community Safety Statement <<https://communitysafety.vic.gov.au/what-is-being-done/improving-victoria-police-capability-culture-and-technology/>>.
- 14 This figure does not include two police reservists.
- 15 In the Victorian Public Service, the largest public entity industry groups are public health care (114,327 employees) and government schools (85,070 employees). Those employees work across a range of health services and health organisations, and schools and school councils. As a public entity industry group, there are 27,811 employees working in police and emergency services and 16,342 of those employees work for Victoria Police: Victorian Public Sector Commission, *The State of the Public Sector in Victoria 2017–2018* (Report, March 2019) 10.
- 16 Australian Government, *Police Job Outlook* <<https://joboutlook.gov.au/Occupation.aspx?search=Industry&Industry=O&code=4413>>.
- 17 Australian Government, *Police Job Outlook* <<https://joboutlook.gov.au/Occupation.aspx?search=Industry&Industry=O&code=4413>>.
- 18 Colleen Woolley, 'Connor, Madge Irene (1874–1952)', *Australian Dictionary of Biography* (Web Page) <http://adb.anu.edu.au/biography/connor-madge-irene-12854>>.
- 19 Victoria Police Museum, *Breaking the Mould: The first police women in Australia* (30 October 2017) Victorian Collections <<https://victoriancollections.net.au/stories/breaking-the-mould-the-first-police-women-in-victoria>>.
- 20 Victoria Police Museum, *Breaking the Mould: The first police women in Australia* (30 October 2017) Victorian Collections <<https://victoriancollections.net.au/stories/breaking-the-mould-the-first-police-women-in-victoria>>.
- 21 Colleen A. Woolley, *Arresting Women: Celebrating 100 Years of Women in Policing* (AW Press, 2nd rev ed, 2017) 189.
- 22 Victoria Police, *100 Years of Women in Policing* <https://www.police.vic.gov.au/content.asp?Document_ID=48627>.
- 23 Length of service figures include paid parental leave. Prior to 1 January 2019, unpaid parental leave was not included in length of service.
- 24 By 'under-represented', the Commission means that there are fewer women at higher ranks than one would expect given the overall proportion of the workforce they make up. We demonstrate this by comparing how ranks are distributed within genders. If men and women were proportionately represented across the ranks, the heights of the columns would be roughly equal across the ranks.
- 25 Please note that ages in the 'Typical employee' tables are reported as medians rather than means or averages.
- 26 Please note that length of service in the 'Typical employee' tables is reported as medians rather than means or averages.

Chapter 3.

Laws relevant to the review

Key points

- The *Equal Opportunity Act 2010* (Vic) is the key law relevant to this review.
- The Equal Opportunity Act aims to eliminate discrimination, sexual harassment and victimisation. It also aims to facilitate the progressive realisation of gender and other forms of equality.
- The Act seeks to achieve these aims by making it unlawful to discriminate against, sexually harass or victimise another person.
- The Act also places a positive duty on Victoria Police and others to eliminate discrimination and sexual harassment, including at work. This duty requires the organisation to take measures to proactively prevent these behaviours from occurring.
- The positive duty in the Equal Opportunity Act can be used to affect broad cultural change, including through reviews like the current review into sex discrimination and sexual harassment in Victoria Police. Victoria Police has demonstrated what can be achieved when an organisation takes their positive duty to eliminate discrimination, sexual harassment and victimisation seriously.
- Sex discrimination and sexual harassment are forms of gender inequality that disproportionately impact women, despite laws providing equality protections.
- Other laws relevant to the review are the *Charter of Human Rights and Responsibilities Act* (2006) (Vic), the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Sex Discrimination Act 1984* (Cth), the *Fair Work Act 2009* (Cth) and the *Occupational Health and Safety Act 2004* (Vic). The Commission makes no comment or finding on whether the practices or programs of Victoria Police comply with these other laws. However, we note that taking steps to meet obligations under these laws may support compliance with the Equal Opportunity Act.

State, federal and international laws prohibit sex discrimination and sexual harassment, including predatory behaviour. They require employers to eliminate sex discrimination and sexual harassment from their workplaces and to be proactive about preventing these unlawful behaviours. They also set out the rights of employees to enjoy workplaces free from sex discrimination and sexual harassment and provide them with mechanisms to make a complaint to an independent body, like the Commission. As this chapter explains, these laws apply to Victoria Police as a government entity and as an employer and a provider of services.

In addition, *Safe and Strong*,¹ Victoria's gender equality strategy, provides a policy framework for promoting gender equality and reducing violence against women. Victoria Police is expected to 'model gender equality best practice' as part of the Victorian Government's vision for gender equality in Victoria.²

These laws and the *Safe and Strong* policy are fundamental to the promotion of equality in public life. They also help to ensure equal opportunities for women and men in relation to work and create safe and inclusive workplaces for all employees.³

Chapter 3 outlines Victoria's regulatory framework for addressing sex discrimination and sexual harassment. It details:

- key provisions of Victoria's Equal Opportunity Act
- other laws regulating sex discrimination and sexual harassment, as well as safe, respectful and inclusive workplaces.

3.1 Equal Opportunity Act

3.1.1 OBJECTIVES

The Equal Opportunity Act aims to eliminate discrimination, sexual harassment and victimisation.⁴ The Act also aims to facilitate the progressive realisation of gender and other forms of equality⁵ (see Section 4.1).

Objectives of the Equal Opportunity Act⁶

- Eliminate discrimination, sexual harassment and victimisation, and their systemic causes
- Promote and protect the right to equality in the Charter⁷
- Promote and facilitate the progressive realisation of equality, by recognising that:
 - discrimination can cause disadvantage
 - there is not equal access to opportunities
 - equal application of a rule can have unequal outcomes
 - achieving equality may require 'reasonable adjustments',⁸ 'reasonable accommodation'⁹ and 'special measures'¹⁰
- Enable the Commission to:
 - encourage best practice and facilitate compliance with the Act through our functions
 - resolve discrimination, sexual harassment and victimisation disputes and allow complainants to choose to access the Victorian Civil and Administrative Tribunal directly for dispute resolution.

The Equal Opportunity Act seeks to achieve these objectives by:

- prohibiting discrimination,¹¹ sexual harassment¹² and victimisation¹³
- imposing a positive duty to take reasonable and proportionate measures to eliminate these behaviours.¹⁴

It covers employment and other areas of public life, such as the provision of goods and services,¹⁵ and applies to Victoria Police as an employer and a provider of services.

3.1.2 DUTY NOT TO DISCRIMINATE, SEXUALLY HARASS OR VICTIMISE

Discrimination

Discrimination refers to unfavourable treatment based on a protected attribute (or a characteristic that a person with that attribute generally has).¹⁶ The attributes directly within the scope of this review are sex, pregnancy, breastfeeding and parental or carer status, as set out in Table 12.

Table 12 – Protected attributes of discrimination directly relevant to the review

Attribute	Equal Opportunity Act protection	Example
Sex ¹⁷	<p>The Act prohibits sex discrimination</p> <p>While the term 'sex' is not defined, it means male or female¹⁸</p> <p>It is accepted that biological sex characteristics include many variations and that the sex of a person is not always unequivocally male or female¹⁹</p>	An employer refuses to hire a female applicant because of gender stereotypes that they hold, despite her meeting all selection criteria
Pregnancy ²⁰	The Act prohibits discrimination based on pregnancy, which includes the characteristics of being pregnant, such as morning sickness ²¹	An employer treats a female employee unfavourably and refuses her application for a promotional program because she needs frequent bathroom breaks due to morning sickness during pregnancy ²²
Breastfeeding ²³	The Act prohibits discrimination based on breastfeeding, which includes the act of expressing milk ²⁴	A female employee requires a private space to express milk, but the employer refuses to accommodate her request and she is forced to express in a communal toilet cubicle
Parental or carer status ²⁵	The Act prohibits discrimination based on parental status, meaning the status of being or not being a parent, ²⁶ and carer status, meaning a person on whom another person is wholly or substantially dependent for ongoing care and attention ²⁷	An employee who returns to work after a period of parental leave is demoted to a lesser position than before they took leave because of their caring responsibilities ²⁸

Victoria Police and the Commission agreed that phase 3 of the review would also consider discrimination and sexual harassment related to sexual orientation, gender identity and intersex status. This was in part in recognition:

- of the findings of phase 1 that lesbian, gay and bisexual survey respondents reported higher rates of these behaviours than their heterosexual colleagues²⁹
- that the drivers and impact of these behaviours can sometimes be similar to sex discrimination and sex-based sexual harassment.³⁰

The inclusion of gender identity and intersex status recognises the importance of understanding discrimination and harassment related to these attributes.³¹

These further attributes are set out in Table 13 below.

Table 13 – Other protected attributes of discrimination relevant to the review

Attribute	Equal Opportunity Act protection	Example
Sexual orientation ³²	The Act prohibits discrimination based on sexual orientation, specifically homosexuality (including lesbianism), bisexuality or heterosexuality, ³³ and 'expunged homosexual conviction' ³⁴	A lesbian employee is denied a promotional transfer to a new unit because the recruitment panel think that 'she will not fit in with the rest of the blokes', ³⁵ despite her being the strongest candidate
Gender identity ³⁶	The Act prohibits discrimination based on gender identity, which in general terms covers people who identify as trans, gender diverse and non-binary ³⁷	An employee is subjected to repeat misgendering, which occurs when colleagues do not respect a person's preferred gender or pronouns, ³⁸ such as referring to a trans man as 'she'
Intersex ³⁹	Not expressly prohibited, but limited protection is available through the protected attributes of 'sex' and 'gender identity' ⁴⁰	An employee makes inappropriate remarks about whether a colleague who is intersex should access the female change rooms

The Equal Opportunity Act covers both 'direct' and 'indirect'⁴¹ discrimination.

- Direct discrimination occurs if a person treats another person unfavourably because of a protected attribute'.⁴² An example is when an employer decides not to promote a woman based on her sex or pays her less than a male colleague for the same or comparable work.
- Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that disadvantages a person or group because of a protected attribute.⁴³ An example is when an employer regularly schedules training at a time when employees with caring responsibilities are unable to attend.

Sexual harassment

The Equal Opportunity Act defines 'sexual harassment' as unwelcome conduct of a sexual nature, unwelcome sexual advances or unwelcome requests for sexual favours, which could be expected to make a reasonable person feel offended, humiliated or intimidated.⁴⁴ It can be physical, verbal or written, and can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching or hugging

- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out on dates
- requests for sex⁴⁵
- sexually explicit emails, text messages or posts on social networking sites.⁴⁶

A single incident is enough to constitute sexual harassment,⁴⁷ and the intent of the perpetrator is irrelevant.⁴⁸

The Act covers sexual harassment by an employer and employees.⁴⁹ It also covers workplaces (and other areas of public life).⁵⁰ Sexual harassment in the workplace occurs when it happens at work, at work-related events, between people sharing the same workplace and between colleagues outside of work.⁵¹ The duties of an employer in relation to sexual harassment extend to all full-time, part-time and casual workers, agents and contractors, trainees and apprentices, job applicants, volunteers and unpaid workers.⁵²

Some types of sexual harassment can constitute a criminal offence. These include indecent exposure, stalking and sexual assault, as well as obscene or threatening phone calls, letters, emails, text messages or posts on social networking sites.

Sexual harassment may also meet the definition of discrimination under the Equal Opportunity Act when it is based on a protected attribute, such as sex.

Victimisation

Employers are responsible under the Equal Opportunity Act for eliminating victimisation in their workplace⁵³ and employers and employees must not engage in victimisation.⁵⁴

Victimisation occurs when a person punishes or threatens to punish someone because they have:

- made a complaint under the Equal Opportunity Act
- helped someone else make a complaint
- refused to do something because it would be discrimination, sexual harassment or victimisation.⁵⁵

Examples of victimisation include bullying and intimidating an employee who has made a complaint.⁵⁶

3.1.3 POSITIVE DUTY TO ELIMINATE DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION

Victoria Police and other employers are required to take 'reasonable and proportionate measures' to eliminate discrimination, sexual harassment and victimisation in their workplaces.⁵⁷

This 'positive duty' requires Victoria Police to be proactive about prevention, rather than simply reacting to complaints. It also encourages compliance with the Act, even in the absence of an individual complaint.⁵⁸

The steps required to comply with the positive duty vary for every organisation, considering factors such as the size, nature, resources and priorities of the business or operations, as well as the practicality and cost of the measures.⁵⁹ These measures are like those required to avoid being found vicariously liable for discrimination and sexual harassment. However, they are different because the positive duty requires organisations to take measures regardless of whether a discrimination or sexual harassment dispute is brought, or proceeding is commenced.

At a minimum, the positive duty requires an organisation to identify potential areas of non-compliance with the Act and develop strategies to meet and maintain compliance.

The evolution of the positive duty in the Equal Opportunity Act

In 2008, former public advocate for Victoria, Julian Gardner, reviewed the *Equal Opportunity Act 1995* (the predecessor to the 2010 Act). The final inquiry report recommended a shift away from relying upon victims/survivors to take action to enforce the law to an approach that addresses entrenched, systemic issues. His vision was for the Commission to be able to shift its focus from resolving disputes to pursuing compliance with the Act more proactively.

In 2010, the Victorian Government passed the *Equal Opportunity Act 2010* and implemented many of the recommended reforms, including introducing the positive duty. Alongside this duty were additional functions and powers to enable the Commission to enforce the Act and address systemic discrimination by:

- allowing the Commission to conduct investigations and public inquiries in certain circumstances
- introducing enforcement mechanisms, such as the power to issue compliance notices and enforceable undertakings
- strengthening our powers to compel information, documents and attendance in the context of an investigation or public inquiry.

However, the Equal Opportunity Amendment Bill 2011 (Vic) amended the Act again before it commenced. Among other things, the amendments introduced a higher threshold for investigations, removed the public inquiry function and limited the compulsion powers. As a result, the Commission has more limited tools to enforce the Act, including the positive duty.

See: *Julian Gardner, An equality act for a fairer Victoria: Equal opportunity review final report (State of Victoria, 2008).*

3.1.4 REASONABLE ACCOMMODATION

Under the Act, an employer must not unreasonably refuse to accommodate an employee's or prospective employee's responsibilities as a parent or carer.⁶⁰ Known as reasonable accommodation, this duty operates alongside the right to request flexible working arrangements under the federal *Fair Work Act 2009* (Fair Work Act).⁶¹

3.1.5 EXCEPTIONS AND EXEMPTIONS TO DISCRIMINATION

Different treatment based on a protected attribute is lawful in some circumstances. This includes where:

- an employer adopts a 'special measure' to promote or realise substantive equality for members of a group with a particular attribute,⁶² such as recruiting only female candidates for a particular role to meet workplace diversity goals
- a general exception in the Equal Opportunity Act applies,⁶³ such as complying with a court order⁶⁴ or protecting the health or safety of a person or the public⁶⁵
- the Victorian Civil and Administrative Tribunal has granted an employer a temporary exemption from certain obligations under the Act.⁶⁶

An exception or exemption is a defence to discrimination.⁶⁷

3.1.6 LIABILITY OF EMPLOYERS AND EMPLOYEES

An employer who discriminates against,⁶⁸ sexually harasses⁶⁹ or victimises an employee can be held directly liable under the Equal Opportunity Act.⁷⁰ Employees are also liable for sexual harassment against another employee.⁷¹

In addition, an employer can be held vicariously liable under the Act when an employee or agent engages in these same behaviours during their employment or when acting on the organisation's behalf.⁷² An employer will not be held liable if they can prove that they took 'reasonable precautions' to prevent the behaviour,⁷³ such as systematically investigating complaints⁷⁴ and regularly training staff about their obligations under the Act.⁷⁵

The Commission encourages and facilitates compliance with the positive duty through our work, including this review. We can also investigate a suspected contravention of the duty that is serious in nature and relates to a class or group of persons.⁷⁶ However, under the Act, individuals cannot make a complaint to the Commission about contraventions of the positive duty⁷⁷ or bring a direct action to the Victorian Civil and Administrative Tribunal.

3.2 Other relevant laws

Several other laws are relevant to the review, including the:

- *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW or the Convention)
- Charter
- *Sex Discrimination Act 1984* (Sex Discrimination Act)
- Fair Work Act
- *Occupational, Health and Safety Act 2004* (Occupational Health and Safety Act).

The Commission makes no comment or finding on whether the practices or programs of Victoria Police comply with these laws. However, we note that taking steps to meet obligations under these laws may support compliance with the Equal Opportunity Act.

3.2.1 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT

Victoria's Charter requires Victoria Police and other public authorities to act compatibly with certain enumerated human rights,⁷⁸ including the rights to equality before the law and enjoy human rights without discrimination.⁷⁹ This includes when they develop policies, deliver services and make decisions.⁸⁰

The right to recognition and equality before the law in the Victorian Charter

- Section 8(1) Every person has the right to recognition as a person before the law.
- Section 8(2) Every person has the right to enjoy his or her human rights without discrimination.
- Section 8(3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.
- Section 8(4) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

The duty of public authorities to act compatibly with human rights is strongly aligned to their positive duty under the Equal Opportunity Act, discussed in Section 3.1.3.⁸¹

3.2.2 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

CEDAW is the primary international human rights instrument aimed at promoting and protecting the human rights of women.⁸² As a party to the Convention,⁸³ the Australian Government, including the Victorian Government, is required to take 'all appropriate measures' to eliminate all forms of discrimination against women and achieve equality between women and men.⁸⁴

As Section 4.1 explains, it is understood that complementary formal, substantive and transformative approaches are needed to achieve gender equality.⁸⁵ In summary, this means that:

- women and men should be treated the same because they are equal
- non-identical treatment may sometimes be required to bring about equality of opportunity and results, noting biological and socially and culturally constructed differences between women and men
- power and resources need to be redistributed among women and men and harmful norms and structures need to be transformed.

This understanding of equality is consistent with that under the Equal Opportunity Act (see Section 3.1.1), which includes both formal and substantive approaches, as well as a transformative approach to equality required under the positive duty.

3.2.3 SEX DISCRIMINATION ACT

Sex discrimination⁸⁶ and sexual harassment⁸⁷ in employment are unlawful under the federal Sex Discrimination Act, which enshrines Australia's international legal obligations under CEDAW.⁸⁸

Under this Act, it is unlawful for Victoria Police and other employers to discriminate against a person on the basis of their sex and related grounds, including marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity or intersex status.⁸⁹

3.2.4 FAIR WORK ACT

The federal Fair Work Act prohibits discrimination against employees by employers.⁹⁰ It also protects employees by prohibiting employers from taking 'adverse action' against employees because the employee has exercised their workplace rights,⁹¹ or because the employee has a particular attribute.⁹² Examples of adverse actions are dismissing an employee or discriminating between employees on the basis of a protected attribute.⁹³

Protected attributes share similarities with those protected under the Equal Opportunity Act, although there are some differences. The attributes protected under the Fair Work Act include, among others, sex, sexual orientation, family or carer responsibilities, pregnancy and marital status.⁹⁴

There are some exceptions to the prohibition against adverse action taken for discriminatory reasons, including where actions are taken that are not unlawful under Australian anti-discrimination laws, including the Equal Opportunity Act,⁹⁵ or because of the inherent requirements of a particular role.⁹⁶

While the Fair Work Act does not expressly protect workers from sexual harassment, the protections against sex discrimination may be relevant where:

- a sexual harassment claim also constitutes sex discrimination
- where 'adverse action' has been taken against employees because the employee has exercised their workplace rights⁹⁷
- the employee has a particular attribute.⁹⁸

3.2.5 OCCUPATIONAL, HEALTH AND SAFETY ACT

The Victorian Occupational Health and Safety Act also indirectly provides protection from sexual harassment in the workplace. It places a general duty on employers to provide and maintain a working environment that is safe and without risks to health, as far as is reasonably practical.⁹⁹ Employers also have a duty to ensure that other persons are not exposed to risks to their health and safety as a result of the employers' actions.¹⁰⁰

Employees also have a duty to take reasonable care to ensure that they work in a manner that is not harmful to the health and safety of others.¹⁰¹

Notes

- 1 Victorian Government, *Safe and Strong: A Victorian Gender Equality Strategy* (State of Victoria, 2016).
- 2 Victorian Government, *Safe and Strong: A Victorian Gender Equality Strategy* (State of Victoria, 2016) 35.
- 3 Victoria, *Hansard, Second Reading Speech to the Equal Opportunity Bill 2010* (Vic), Legislative Assembly, 10 March 2010, 783 (Attorney General Robert Hulls); Julian Gardner, *An Equality Act for a Fairer Victoria: Equal Opportunity Review Final Report* (State of Victoria, June 2008) [1.94].
- 4 *Equal Opportunity Act 2010* (Vic) s 3(a).
- 5 *Equal Opportunity Act 2010* (Vic) s 3(d).
- 6 *Equal Opportunity Act 2010* (Vic) s 3.
- 7 *Charter of Rights and Responsibilities Act 2006* (Vic) s 18.
- 8 The term 'reasonable adjustment' is not defined in the Equal Opportunity Act. However, the Act states that in the area of employment, in order to comply, an employer must do what a person with a disability requires 'in order to [adequately] perform the genuine and reasonable requirements' of that employment: *Equal Opportunity Act 2010* (Vic) ss 20(1)(b), 33(2), 33(1)(b) and 33(2).
- 9 The term 'accommodation' is not defined in the Equal Opportunity Act. However, in the context of employers' duties, the term is used alongside the term 'adjustment' to describe what steps an employer must take to comply with sections 20(1)(b), 33(2), 33(1)(b) and 33(2); see also Victorian Equal Opportunity and Human Rights Commission, *Victorian Discrimination Law* (State of Victoria, 2013) 1.
- 10 *Equal Opportunity Act 2010* (Vic) s 12(1): '[a] person may take a special measure for the purpose of promoting or realising substantive equality for members of a group with a particular attribute'.
- 11 *Equal Opportunity Act 2010* (Vic) pt 4.
- 12 *Equal Opportunity Act 2010* (Vic) pt 6.
- 13 *Equal Opportunity Act 2010* (Vic) s 103.
- 14 *Equal Opportunity Act 2010* (Vic) s 15.
- 15 *Equal Opportunity Act 2010* (Vic) s 44.
- 16 *Equal Opportunity Act 2010* (Vic) s 7.
- 17 *Equal Opportunity Act 2010* (Vic) s 6(o).
- 18 *Menzies v Waycott* [2001] VCAT 415 [198].
- 19 *NSW Registrar of Births, Deaths and Marriages v Norrie* [2014] HCA 11; (2014) 250 CLR 490, [1], [35], [37], citing *AB v Western Australia* (2011) 244 CLR 390, 402; [2011] HCA 42.
- 20 *Equal Opportunity Act 2010* (Vic) s 6(l).
- 21 Neil Rees, Simon Rice and Dominique Allen, *Australian Anti-discrimination and equal opportunity law* (Federation Press, 3rd ed, 2018) 293. See also *Bevilacqua v Telco Business Solutions (Watergardens) PL No 2* [2015] VCAT 693; [2015] VCAT 269.
- 22 *Bevilacqua v Telco Business Solutions (Watergardens) PL* [2015] VCAT 269.
- 23 *Equal Opportunity Act 2010* (Vic) s 6(b).
- 24 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 25 *Equal Opportunity Act 2010* (Vic) s 6(i).
- 26 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 27 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 28 *Thomson v Orica Australia Pty Ltd* [2002] FCA 939.
- 29 Victorian Equal Opportunity and Human Rights Commission, *Independent Review into sex discrimination, sexual harassment, including predatory behaviour in Victoria Police: Phase One Report* (State of Victoria, 2015) 91.
- 30 See for example, Roddrick Colvin, *Gay and Lesbian Cops: Diversity and Effective Policing* (Lynne Rienner Publishers, 2012); Matthew Jones and Matthew L Williams, 'Twenty Years On: Lesbian, Gay and Bisexual Police Officers' Experiences of Workplace Discrimination in England and Wales' (2015) 25 *Policing and Society* 188, 191-3.
- 31 In 2018, Victoria Police launched its first LGBTI Inclusion Strategy and Action Plan, which includes a commitment to better understand LGBTI-related complaints, including discrimination on the basis of sexual orientation, gender identity or intersex status: Victoria Police, *LGBTI Inclusion Strategy and Action Plan 2018-2021* (2018) 12.

- 32 *Equal Opportunity Act 2010* (Vic) s 6(p), amended by the *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014* (Vic), passed by Parliament in October 2014 and came into operation on 1 September 2015. The Sentencing Amendment Act also enables a person to apply to the Secretary of the Department of Justice and Regulation to expunge historical convictions incurred under now repealed legislation.
- 33 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 34 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 35 Department of Premier and Cabinet, *LGBTI inclusion for people managers: A guide for the Victorian Public Sector* (State of Victoria, forthcoming) 11.
- 36 *Equal Opportunity Act 2010* (Vic) s 6(d).
- 37 *Equal Opportunity Act 2010* (Vic) s 4(1).
- 38 Victorian Government, *Victorian Public Sector: Inclusive Language Guide* (State of Victoria, June 2016) 4.
- 39 The term 'intersex' refers to 'the diversity of physical characteristics between the stereotypical male and female characteristics. Intersex people have reproductive organs, chromosomes or other physical characteristics that are neither wholly female, or wholly male. Intersex is a description of biological diversity and may or may not be the identity used by an intersex person.' Victorian Government, *Victorian Public Sector: Inclusive Language Guide* (State of Victoria, June 2016) 4. The Sex Discrimination Act specifically protects people who experience discrimination because of their intersex status.
- 40 Victorian Equal Opportunity and Human Rights Commission, *Victorian Discrimination Law* (State of Victoria, 2013) 25.
- 41 *Equal Opportunity Act 2010* (Vic) s 7(1).
- 42 *Equal Opportunity Act 2010* (Vic) s 8(1).
- 43 *Equal Opportunity Act 2010* (Vic) s 9 (1)-(2).
- 44 *Equal Opportunity Act 2010* (Vic) s 92(1). On sexual harassment generally, see Paula McDonald and Sara Charlesworth, 'Workplace sexual harassment at the margins' (2016) 31 *Work, Employment and Society* 118; Paula McDonald, Sara Charlesworth and Tina Graham, 'Action or inaction: bystander intervention in workplace sexual harassment' (2016) 27 *International Journal of Human Resource Management* 548; Paula McDonald, Sara Charlesworth and Tina Graham, 'Developing a framework of effective prevention and response strategies in workplace sexual harassment' (2015) 53 *Asia Pacific Journal of Human Resources* 4158; Paula McDonald, 'Workplace sexual harassment 30 years on: A review of the literature' (2012) 14(1) *International Journal of Management Reviews* 1.
- 45 *Equal Opportunity Act 2010* (Vic) s 92(2). For a discussion of the range of conduct that may constitute sexual harassment, see *Te Papa v Woolworths Ltd trading as Safeway* [2006] VCAT 1222 [7].
- 46 *Equal Opportunity Act 2010* (Vic) s 92(2); *Collins v Smith (Human Rights)* [2015] VCAT 1029 (10 July 2015) [380], [399].
- 47 *Hall v A. & A Sheiban Pty Ltd* [1989] FCA 74 [40,43].
- 48 *Frith v The Exchange Hotel* [2005] FMCA 402.
- 49 *Equal Opportunity Act 2010* (Vic) s 93.
- 50 *Equal Opportunity Act 2010* (Vic) ss 98-102.
- 51 *Equal Opportunity Act 2010* (Vic) s 94(3). The workplace 'is not confined to the physical location used by the employees. It also extends to common areas such as lifts, entrances, reception areas, corridors, kitchens and toilets of the premises: see *Ewin v Vergara [No 3]* [2013] FCA 1311 [43].
- 52 *Equal Opportunity Act 2010* (Vic) s 4. The Commission notes that while volunteers are protected under the Equal Opportunity Act against sexual harassment, they do receive the same protections in respect of discrimination, including sex discrimination.
- 53 *Equal Opportunity Act 2010* (Vic) s 15.
- 54 *Equal Opportunity Act 2010* (Vic) s 103.
- 55 *Equal Opportunity Act 2010* (Vic) s 104.
- 56 *Lazos v Australian Workers Union & Anor* [1999] VCAT 635.
- 57 *Equal Opportunity Act 2010* (Vic) s 15(2).
- 58 Julian Gardner, *An Equality Act for a Fairer Victoria: Equal Opportunity Review Final Report* (State of Victoria, June 2008) [1.97].
- 59 *Equal Opportunity Act 2010* (Vic) s 15(6).

- 60 *Equal Opportunity Act 2010* (Vic) ss 17, 19.
- 61 *Fair Work Act 2009* (Cth) ss 65-66.
- 62 *Equal Opportunity Act 2010* (Vic) s 12.
- 63 *Equal Opportunity Act 2010* (Vic) ss 75-88.
- 64 *Equal Opportunity Act 2010* (Vic) s 76.
- 65 *Equal Opportunity Act 2010* (Vic) s 86(1)(a).
- 66 *Equal Opportunity Act 2010* (Vic) ss 89-90.
- 67 *Equal Opportunity Act 2010* (Vic) s 13(2).
- 68 *Equal Opportunity Act 2010* (Vic) ss 16-18, 105.
- 69 *Equal Opportunity Act 2010* (Vic) ss 93, 95.
- 70 *Equal Opportunity Act 2010* (Vic) ss 13, 109.
- 71 *Equal Opportunity Act 2010* (Vic) s 93(2).
- 72 *Equal Opportunity Act 2010* (Vic) s 109.
- 73 *Equal Opportunity Act 2010* (Vic) ss 109-110.
- 74 See for example, *Zareski v Hannanprint Pty Ltd (No 2)* [2012] NSWADT 65 [4], where the New South Wales Administrative Decisions Tribunal approved a proposal by the employer that a detailed process for investigating complaints would constitute reasonable precautions for avoiding liability.
- 75 *Cooper v Western Area Local Health Network* [2012] NSWADT 39 [82]-[85].
- 76 *Equal Opportunity Act 2010* (Vic) s 15(4), pt 9.
- 77 *Equal Opportunity Act 2010* (Vic) s 15(3).
- 78 *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 38.
- 79 *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 8.
- 80 *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 38.
- 81 Victorian Equal Opportunity and Human Rights Commission, *The Charter of Human Rights and Responsibilities: A guide for Victorian public sector workers* (State of Victoria, 2014) 4.
- 82 Christine Chinkin and Marsha A. Freeman, 'Introduction' in Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012) 1, 2.
- 83 Australia signed the Convention on 17 July 1980 in Copenhagen and ratified the Convention on 28 July 1983: Australian Treaty Series [1983] ATS 9.
- 84 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 1 March 1980, 1249 UNTS 13 (entered into force 3 September 1981). See also Christine Chinkin and Marsha A. Freeman, 'Introduction' in Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012) 1.
- 85 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [3]-[14].
- 86 *Sex Discrimination Act 1984* (Cth) s 14.
- 87 *Sex Discrimination Act 1984* (Cth) s 28B.
- 88 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).
- 89 *Sex Discrimination Act 1984* (Cth) s 14(1).
- 90 *Fair Work Act 2009* (Cth) s 351.
- 91 *Fair Work Act 2009* (Cth) s 341(1).
- 92 *Fair Work Act 2009* (Cth) s 351(1).
- 93 *Fair Work Act 2009* (Cth) s 342.
- 94 *Fair Work Act 2009* (Cth) s 351.

- 95 *Fair Work Act 2009* (Cth) s 351.
- 96 *Fair Work Act 2009* (Cth) s 351.
- 97 *Fair Work Act 2009* (Cth) ss 341(1), 342.
- 98 *Fair Work Act 2009* (Cth) s 351(1).
- 99 *Occupational Health and Safety Act 2004* (Vic) s 21(1).
- 100 *Occupational Health and Safety Act 2004* (Vic) s 21(2).
- 101 *Occupational Health and Safety Act 2004* (Vic) s 25(1), (2).

Chapter 4.

Why gender equality matters

Key points

Gender inequality is widespread and a key driver of violence against women

- Gender inequality, including at work, is widespread in Victoria and nationally and is a primary driver of gender-based violence against women, including family and sexual violence.
- Gender inequality affects everyone, but women are disproportionately affected.

Gender equality requires a holistic approach that includes targeting the drivers of inequality

- Gender equality requires equal treatment of women and men (formal equality), non-identical treatment to address any biological and socially and culturally constructed differences between women and men (substantive equality) *and* the transformation of institutions, systems, structures and attitudes that cause gender inequality (transformative equality).
- There are at least 10 critical elements that will help to achieve gender equality at work:
 - leadership drives a culture of inclusion and respect
 - the voices of women are elevated across the organisation
 - the values of safety, respect and inclusion drive employee behaviour
 - women are paid and represented equally across all ranks and roles
 - all employees are supported to work flexibly
 - pregnant employees, and parents and carers are supported
 - promotion and progression processes are fair and accessible to all employees
 - workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre
 - the complaints and disciplinary systems are fair, timely, accessible and victim-centric
 - data collection and reporting drive accountability and continuous improvement.

Targeting gendered drivers is key to achieving gender equality and reducing harm

- Gender equality at work requires careful analysis of the particular needs and experiences of women, men and people who are gender diverse and non-binary.
- Achieving broader diversity and inclusion is also key, but it requires separate analysis of the diverse needs and experiences of other groups of people. Conflating all groups together under the umbrella of diversity and inclusion risks failing to identify the specific issues and drivers of behaviour facing those groups and can undermine efforts to implement targeted responses.

Gender equality benefits everyone

- Gender equality delivers broad-ranging benefits – for individuals, for organisations and for the wider community. Three key benefits of achieving gender equality at work are that it:
 - leads to a safer and more cohesive workforce, including by reducing workplace harm
 - contributes to more effective service delivery
 - drives positive social change.

Workplaces are critical to preventing gendered harm and driving gender equality

- Workplaces can play a preventative role and help to drive gender equality across the community when they proactively identify and address structural and cultural barriers to equality.

4.1 What is gender equality?

Chapter 4 explores why gender equality matters – for Victoria Police, but also for the many other organisations operating in our community.

- Section 4.1 begins by outlining the meaning of the term ‘gender equality’.
- Section 4.2 briefly outlines the impact of gender inequality.
- Section 4.3 considers some of the key benefits that gender equality at work can deliver for individual employees, organisations and the broader community.

4.1.1 UNDERSTANDING GENDER EQUALITY

When referring to ‘gender equality’ in this report, the Commission has applied the interpretation of the term used by the Committee on the Elimination of Discrimination against Women – the expert treaty body responsible for monitoring the implementation of CEDAW.¹

Understanding gender equality

The Committee on the Elimination of Discrimination against Women treats each theory of equality embedded within CEDAW – *formal equality*, *substantive equality* and *transformative equality* – as essential and complementary to the elimination of all forms of discrimination against women and the achievement of gender equality.²

- *Formal equality* requires women and men to be treated the same because they are equal.³
- *Substantive equality* requires women to be ‘given an equal start’⁴ (equality of opportunity) and ‘empowered by an enabling environment to achieve equality of results’⁵ (equality of results). This means that the identical treatment called for in a purely formal approach to equality is not enough; biological and socially and culturally constructed differences between women and men must be taken into account, sometimes necessitating non-identical treatment to address those differences.⁶
- Substantive equality also requires the underlying causes of gender inequality to be addressed, often referred to as *transformative equality*,⁷ which concerns:
 - the redistribution of power and resources among women and men⁸ and the transformation of institutions, systems and structures that cause inequality so that they are ‘no longer grounded in historically determined male paradigms of power and life patterns’⁹
 - the modification of harmful norms, prejudices and stereotypes¹⁰ and the creation of conditions to enable women to exercise their autonomy and agency and ‘develop their abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices’.¹¹

4.1.2 GENDER EQUALITY AT WORK

The measures needed to achieve gender equality vary across different areas of public and private life.

Based on the Commission's expertise and experience overseeing Victoria's key equality and human rights laws and our work to improve gender equality in the workplace, we consider that there are at least 10 critical elements that must be present to achieve gender equality at work. We refer to these elsewhere in the report as 'gender equality domains' or 'domains'.

Critical elements of gender equality at work

1. Leadership drives a culture of inclusion and respect
2. The voices of women are elevated across the organisation
3. The values of safety, respect and inclusion drive employee behaviour
4. Women are paid and represented equally across all ranks and roles
5. All employees are supported to work flexibly
6. Pregnant employees, and parents and carers are supported
7. Promotion and progression processes are fair and accessible to all employees
8. Workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre
9. The complaints and disciplinary systems are fair, timely, accessible and victim-centric
10. Data collection and reporting drive accountability and continuous improvement

Taking the fourth element – women are paid and represented equally across all ranks and roles – as an example, it is helpful to consider how each theory of equality described in Section 4.1.1 applies in practice. For this purpose, we have taken one aspect of this element, namely how the theories apply to recruitment, which is key to ensuring women are paid and represented equally.

As Table 14 below shows, an approach to recruitment that simultaneously embraces all theories of gender equality will ensure that women are treated equally in practice and help Victoria Police to address the under-representation of women in the organisation.

Table 14 – Applying the theories of gender equality to recruitment

Theory	Action	Outcome
Formal equality	Providing recruitment free from gender bias	Women are not disadvantaged by biases that privilege men
Substantive equality	Providing training sessions to help women to develop techniques needed to pass fitness tests	Women are not indirectly discriminated against due to lower exposure to specific physical exercises
Transformative equality	Modifying recruitment selection criteria to remove long-standing gender stereotypes about the 'ideal police officer'	Attitudes about the inherent requirements of policing are transformed and structural and attitudinal barriers to gender equality in recruitment are removed

4.1.3 AN INTERSECTIONAL APPROACH TO GENDER EQUALITY

Gender equality requires consideration of all groups of women and men, including those who are most marginalised and may suffer discrimination or inequality by virtue of their sex or gender and other characteristics, such as their sexual orientation, gender identity, race or disability.¹²

This intersectional approach to gender equality recognises that the impact of inequality is felt differently by different groups of women and men, as illustrated below in some of the experiences reported to the Commission by Victoria Police's LGBTI employees. People with intersecting characteristics can experience compounded forms of discrimination that cannot be understood or measured by viewing each characteristic in isolation.¹³

Experiences of discrimination and harassment among Victoria Police's LGBTI employees

The Commission's survey showed that between December 2015 and October 2018:

- women who identified as LGBTI were more likely (35.4 per cent) than women who did not so identify (24.8 per cent) to report experiencing sexual harassment
- men who identified as LGBTI were more likely (23.8 per cent) than men who did not so identify (9.2 per cent) to report experiencing sexual harassment.

These findings echo those in the Commission's report *Proud, visible, safe*, released as a discrete part of phase 3 of the review. *Proud, visible, safe* found that homophobia and a hypermasculine and heteronormative culture were the drivers of workplace harm against Victoria Police's LGBTI employees. The report provided guidance on improving responses to this harm, including the need for an intersectional approach to workplace harm.¹⁴

Workplace gender equality strategies and initiatives require careful analysis of the particular needs and experiences of different sub-groups of women and men.¹⁵ Failure to do so risks marginalising or excluding the experiences of those who are most likely to face discrimination and other forms of workplace harm.¹⁶

4.1.4 TARGETING THE GENDERED DRIVERS OF INEQUALITY

This report has a specific focus on gender inequality and applies an intersectional lens, as described above. This is a particular approach that is necessary to understand the specific drivers and impacts of gender inequality and how they are experienced differently by different people or groups of people with other vulnerabilities. While some of the key messages or motivations are similar, this is a different approach to a 'diversity and inclusion' approach.

The growth in organisations focusing on diversity and inclusion is an important development and shows that there is an increased awareness that having a diverse workforce brings significant benefits. However, some generalised approaches can fail to acknowledge when specific employee groups experience particular forms of discrimination and harassment and, as a result, do not address the drivers of harm. In the case of gendered harm and discrimination experienced by women, addressing the underlying drivers has been shown to be a critical prevention technique.¹⁷

Catch-all approaches also do not consider how different diversity messages, such as those that emphasise similarities or those that focus on differences, are more or less effective for varying groups of employees.¹⁸ As a result, some generalised approaches to diversity and inclusion may ultimately undermine efforts to implement effective, targeted responses, whether to improve gender equality or address other issues affecting the workplace.

There is no silver bullet approach to achieving a safe, respectful and equal workplace for all employees. While this is not easy for leaders who must decide how to resource and prioritise responses to gender inequality and workplace harm, it reflects the complexity of matters of diversity, equality and discrimination – both within organisations and in the community.¹⁹

Organisations seeking to embed equality must review the evidence available to them on the nature and scope of the issues they face. Armed with this knowledge, they must ensure they address the underlying causes and focus on the most critical behaviours, policies and systems that will provoke change. Where high rates of workplace harm are driven by gender inequality, improving gender equality must remain central.

4.2 The impact of gender inequality at work

Despite the existence of legal protections against sex discrimination, sexual harassment and victimisation (see Chapter 3), gender inequality continues to be widespread, both here in Victoria and nationally.

At its most extreme, gender inequality leads to gender-based violence against women, including family and sexual violence.²⁰

- Family violence is endemic in Victoria, creates devastating harm and is inescapably gendered. Around 75 per cent of family violence victims/survivors are women and girls and the perpetrators are mostly men.²¹
- Other forms of violence, including sexual violence, are similarly gendered – in 2016, around 80 per cent of victims/survivors of sexual offences in Victoria were women and girls, while 95 per cent of offenders were men.²²

In the workplace, gender inequality is the foundation of sex discrimination and sexual harassment. For example:

- research shows that, nationally, one in three people (mostly women) experienced sexual harassment at work in the last five years²³
- the national pay gap between women's and men's full-time weekly earnings was 14.1 per cent,²⁴ while in Victoria it was 9.3 per cent²⁵
- a national study revealed that one in two mothers experienced one or more forms of discrimination during pregnancy, parental leave or return-to-work.²⁶

As Section 4.2 explains, sex discrimination and sexual harassment can be traumatic for victims/survivors, their families, and witnesses, and have significant and often long-lasting negative impacts on organisations and the community.

4.2.1 GENDER INEQUALITY HARMS INDIVIDUALS, ESPECIALLY WOMEN

Gender inequality is embedded in the structures, systems and culture of organisations across the globe. The impact of this inequality is far-reaching and affects how safe, satisfied and capable employees are at work.

Experiencing sex discrimination at work can mean employees disengage from their work, become less productive and committed and experience increased levels of stress and other health and financial issues.²⁷ It can also impact morale, confidence, engagement and self-esteem, as illustrated by participant responses to the Commission's phase 3 survey.

What survey participants told us about the impact of sex discrimination in Victoria Police

The loss of my health and job significantly impacted my life and my family and there has been insufficient support from the organisation.

It's affected me greatly, reduced my self-esteem and self-worth, and has made me question my skills and the person I am. It has been a crippling experience.

The comment that a female is 'disengaged' after having a baby was regularly used by senior management. It made me feel stressed, upset and angry.

It makes me feel drained, hopeless and lose faith in management within this organisation.

After working years for where I am now in my career, my dreams have been shut down. I was offered a position, however my female boss refused for no reason to release me. She said to me 'if I had to work for years for my promotion so should you', and that any work I had done prior to her being my boss was 'irrelevant'.

I am frustrated by it, but I recognise that it is the culture here and I am powerless. I recognise that I need to work harder than the men in the organisation and even then, I will not be offered the same perks as them.

Victims/survivors of workplace sexual harassment suffer negative impacts on their personal and professional lives, including their mental health,²⁸ workplace productivity and job performance.²⁹ Experiencing sexual harassment can also cause employees to become less satisfied with their work and less committed to their organisation,³⁰ and can mean they are more likely to be absent from the workplace or leave their jobs altogether.³¹ For many, the effects are profound and deeply personal. Responses to the Commission's phase 3 survey are also illustrative in this regard.

What survey participants told us about the impacts of sexual harassment in Victoria Police

I was made to feel violated and angry, I was intimidated and felt intruded upon.

I felt frustrated at the lack of respect, annoyed that I felt intimidated, embarrassed to inform my superior, disappointed that it still happens [and] amazed at the audacity.

I experienced ongoing stress, [it] impacted on [my] mental health and feelings self-worth [and] also triggered [post-traumatic stress disorder].

[I was] uncomfortable at work. [I had] anxiety both in and out of the workplace. [I had a] fear of being moved out of my position or if I did anything to offend him.

I am a shell of my former self, a speck of the brave person that I was. I had my way of life, my self-esteem, my respect and my dignity stripped from me in the most terrifying of situations.

I felt trapped, uncomfortable, constantly on guard and paranoid, unable to trust or differentiate between genuine interactions and predatory or clandestine behaviour.

[It] made me feel anxious, as this was a high-level member and I was trying to get promoted and I thought it would impact this.

The behaviour made me feel very violated and unsafe. It made me feel that I had to avoid the member at all costs which sometimes even meant not returning to the station from patrol.

[I felt] diminished, underestimated, angry [and] humiliated.

I became so sick from the sleep deprivation that occurred because I would often cry myself to sleep.

When this sort of behaviour is directed towards me, I feel isolated, not respected and valued. It diminishes my value.

Women are disproportionately affected by gender inequality

Gender inequality has detrimental impacts for individuals from all parts of the community. However, its impacts are disproportionately felt by women. Gender inequality limits women's participation in political, social, economic and cultural life, which can in turn undermine their economic security³² and physical and mental health.³³ Research from all phases of the police review confirms this.

Gender inequality has a disproportionate effect on Victoria Police's female employees, resulting in higher levels of sexual harassment compared to male employees

In 2015, the Commission found that gender inequality was affecting Victoria Police's employees, but particularly the organisation's female employees. Gender inequality meant that women experienced unacceptably high levels of sexual harassment, which caused hurt, humiliation, fear and denigration.

In 2018, we found that the state of gender equality in Victoria Police had improved in several ways (see chapters 5 to 10), but that gender inequality continues to adversely affect more women than men. For instance, women were far more likely than men to experience sexual harassment within Victoria Police: 25.8 per cent of female survey participants who responded to the question reported being sexually harassed since December 2015, compared to 9.8 per cent of male respondents who answered the question.

Everyday sexism in Victoria Police has a greater impact on women than men

The Commission's phase 3 survey shows that common forms of sexual harassment experienced by female Victoria Police employees include comments, jokes and unwelcome questions about their private life or their appearance. These are forms of everyday sexism.³⁴

The harms of everyday sexism are well-recognised, in particular that they are often cumulative in nature, and include psychological harm and economic detriment for women.³⁵ At the same time, however, these harms are often undermined or minimised.³⁶

Across the data sources, we heard that there was not a strong understanding among employees about the harms of everyday sexism for women, including how it contributes to sexual harassment, and that these impacts are often dismissed. We heard, for example, that this was just 'everyday banter' that was part of Victoria Police culture.

Minimising the harm of everyday sexism fails to acknowledge its impact on women. It also misunderstands that everyday sexism creates a hostile working environment, especially for women, and is itself a driver of gendered violence, enabling other forms of sexual harassment in the workplace.³⁷

Gender inequality also affects men

Gender inequality can also affect men, for instance, when men are denied access to, or feel unable to request, flexible work to care for their children or other family members, due to harmful gender stereotypes.³⁸

Traditional gender stereotypes segregate women into the role of primary carer and homemaker and men into the role of breadwinner.³⁹ These pervasive stereotypes do not reflect the reality for many modern families, where both women and men undertake paid work and share caring and other domestic responsibilities and some families are headed by people of the same sex.⁴⁰ Despite this, gender stereotypes are perpetuated and maintained by workplace structures and norms, including those related to flexible work.⁴¹

The stereotyping of women as carers and men as providers contributes to the under-representation of women in leadership roles,⁴² the gender pay gap⁴³ and the significant gap in retirement savings between men and women.⁴⁴ It also severely limits men's access to flexible working arrangements and the benefits of flexible work, such as increased productivity⁴⁵ and better work-life balance.⁴⁶

Australian research shows that over a quarter of men reported experiencing discrimination related to parental leave and return to work,⁴⁷ and that men are twice as likely as women to have their request for flexible work denied.⁴⁸ Men reported that stereotypical views from senior leaders, managers and peers who do not support men working flexibly adversely impacted their access to flexible work.⁴⁹

These discriminatory gender stereotypes persist in Australia and across the globe.⁵⁰ Importantly, the impact of this stereotyping in reducing men's access to flexibility means women continue to bear a disproportionate share of caring responsibilities. This entrenches women's caring role and slows progress towards gender equality – both in the workplace and in the home.⁵¹

Witnesses are affected, too

Gender inequality not only impacts individuals who are the direct targets of sex discrimination or sexual harassment – witnesses to these behaviours may be affected in similar ways.⁵² For example, witnesses to sexual harassment can experience reduced productivity at work and suffer decreased health and wellbeing.⁵³

Outside of the workplace, the family of victims/survivors of workplace harm can suffer. Research shows that a common consequence of sexual harassment is that victims/survivors' relationships with their partners, children, and other family are negatively impacted.⁵⁴

Witness reflections about the impact of an increased awareness of the impacts of sexual harassment in Victoria Police

When the [phase 1 review] report was released ... I had a bit of a meltdown. There were times I saw other women being targeted and I didn't stand up for other people, because all I could think of was, 'thank god it's not me'.

The biggest thing I saw come out of the review was the knowledge that just being a bystander can hurt people. And in our command ... the shift in behaviour about calling out behaviour, the shift in mind-set has been phenomenal. And it's because people have the knowledge now that being a bystander can be hurtful.

For me, it was a shock reading the report then ... I wanted to do something positive to help my colleagues who were being victimised by this ... I know now, because I've spoken to those involved, that me being a bystander hurt people and I realised that there were times when I hurt my friends. And that made me feel quite sad and I wanted to do something about it.

4.2.2 GENDER INEQUALITY HARMS WORKPLACES

While individuals bear the brunt of trauma and harm caused by gender inequality in the workplace, these negative impacts have a broader effect on organisations.

Research suggests that organisations that are unable to create gender equal, safe and respectful workplaces are more likely to experience negative effects on their productivity, professional engagement and workforce capacity.⁵⁵ They lose experienced employees and face the associated costs of employee turnover, and struggle to attract people from the full available pool of talent.⁵⁶

Consistent with this research, the Commission regularly hears about the damaging effects of sexual harassment on workplaces. People have told us how sexual harassment has undermined performance in their workplaces, including through disengagement from the workforce, low morale, fractured and dysfunctional teams, lost productivity from presenteeism, absenteeism and resignation.

We hear that senior leaders often fail to acknowledge and condemn workplace harm, downplay reports of inappropriate behaviour and do not put in place appropriate supports to help victims/survivors and witnesses navigate internal complaints processes. We have also heard that the failure of organisations to respond appropriately to sexual harassment has put victims/survivors and their colleagues at risk of further harassment.

The impact of gender inequality in workplace systems and cultural norms is felt throughout the lifecycle of an employee. Messages about acceptable and valued behaviour are learned from before an employee is recruited, and reinforced through training, observed behaviours and, for instance, seeing who gets promoted.⁵⁷

These messages can support gender equality and strengthen its potential to drive employee safety, satisfaction and capability. However, as outlined in Figure 7, when workplace norms are shaped by gender inequality, the messages employees receive can sustain gender inequality and ultimately cause gendered harm.⁵⁸

Figure 7 – How gender inequality drives workplace harm

Recruitment campaigns focus on 'masculine' policing values

Recruitment and training environments value strength over interpersonal skills

Employee is immersed in a culture of everyday sexism

Employee witnesses harmful behaviour and does not report for fear of reprisal

Employee makes a sexist joke and is rewarded with laughter

Employee is on a call-out where negative attitudes toward women impact response to family violence

Employee witnesses harmful workplace behaviour, sees the victim relocated and the perpetrator goes without consequences

Employee discusses the perceived negative organisational impact of pregnant employees

Employee observes men with stereotypically masculine characteristics promoted

Factors that lead to workplace harm

Employee sits on recruitment panel that selects based on traditional masculine attributes, and promotes a candidate despite concerns about past inappropriate behaviour

Employee receives a complaint about inappropriate behaviour, downplays it and protects the perpetrator

Employee, now in a supervisory position, witnesses gendered harm and does nothing to intervene or report

Employee pays lip service to gender equality reforms but undermines them around colleagues

Socialised in an environment where sexism and damaging attitudes toward women are the norm, employee commits gendered harm

4.2.3 GENDER INEQUALITY HARMS THE COMMUNITY

Gender inequality also has significant economic and other costs for the community.⁵⁹

For instance, gender-based violence against women has a substantial detrimental impact. Nationwide, the total annual cost of all forms of violence against women has been estimated at \$22 billion.⁶⁰ Family violence alone is estimated to cost Victoria well over \$5 billion each year. This significant burden includes costs such as healthcare and justice expenditure, lost economic productivity and pain and suffering borne by victims/survivors.⁶¹

In addition, despite achieving higher levels of education than men since the 1980s, women are still under-represented in the workforce. Closing this gender gap in employment would have considerable economic benefits, boosting Australia's gross domestic product by around 11 per cent.⁶² Intrinsically linked to the gender gap is the unequal distribution of unpaid care work – research shows that in Victoria women do 63.2 per cent of this work.⁶³ This burden of unpaid labour is a barrier to women's workforce participation, impacting the amount of paid time, job security, and career development potential of the employment women are able to access.⁶⁴

4.3 What gender equality delivers

Research clearly shows that gender equality and safe, inclusive and respectful work environments deliver broad-ranging benefits – for individuals, organisations and the wider community. These benefits underscore the importance of Victoria Police continuing its work to embed gender equality across its workplaces.⁶⁵ These benefits are not just applicable to Victoria Police, but are relevant to all organisations.

Section 4.3 focuses on three key benefits of achieving gender equality at work that are of particular relevance to this review. Specifically, that achieving gender equality at work leads to a safer and more cohesive workforce, contributes to more effective service delivery and drives broader social change.

A safer and more cohesive workforce	More effective service delivery	Driving social change
A safer working environment free from workplace harm	A productive, skilled organisation that meets modern policing needs	Employees are leaders in the community
A more satisfied workforce who respect and value each other	Better responses to gender based violence against women, including family and sexual violence	Community and government expectations are fulfilled

These benefits show how reform in Victoria Police will improve workplace experiences for employees, deliver better services for Victorians and embed the organisation's role as community leaders who contribute to a broader social movement that demands safety and respect for all women.

4.3.1 A SAFER AND MORE COHESIVE WORKFORCE

All Victorian employees are entitled to be treated equally at work and work in safe environments that are free from sex discrimination and sexual harassment (see Chapter 3). As this section explains, gender equality is a key enabler to creating such workplaces as it reduces the likelihood of workplace harm, drives employee satisfaction and creates cohesive teams.

Gender equality creates a safer working environment by reducing the risk of workplace harm

As discussed in detail in Section 4.2, gender inequality can undermine the safety of workplaces as well as employees' satisfaction and individual and organisational capability. Conversely, where workplaces are more equal, this can help to reduce the likelihood of workplace harm. For instance, research shows that sexual harassment is less prevalent in gender balanced and female-dominated workplaces.⁶⁶

Embedding gender equality not only benefits women, who are the most likely to be targeted through sex discrimination and sexual harassment,⁶⁷ but also protects others who may be targeted because they challenge gender norms or traditional power dynamics.⁶⁸

In Victoria Police, employees benefit from being in gender-balanced teams

The Commission's survey showed that male and female employees in Victoria Police teams with a roughly equal gender balance felt safest and most respected and supported, compared to employees in teams without the same gender composition.⁶⁹ For example, 72.1 per cent of female police members in gender-balanced teams responded positively, compared to 62.2 per cent of female police members in male-dominated teams.

These findings are supported by the evidence we collected across our other data sets.

I work in an environment where the gender split is about 50/50... The managers are very tuned into creating a safe environment for every person to be at their best.

Our supers are female. Women in all different areas, everyone just treats each other the same here.

Gender equality at a station level allows for all voices to be heard equally and poor behaviour to be called out.

Employees in inclusive teams are nearly seven times less likely than employees in non-inclusive teams to have personally experienced harassment and significantly less likely to have witnessed harassment.⁷⁰

Increased gender equality in the workplace drives employee satisfaction

Creating and maintaining a safe, inclusive and respectful workplace is not simply about meeting the legal obligations detailed in Chapter 3 – it is essential to building productive, healthy teams that deliver high quality services to the Victorian community. Employees need to feel physically and psychologically safe and supported as they perform their roles and gender equality is a critical way to achieve this.⁷¹

There is a clear nexus between gender equality and reported employee satisfaction and outcomes. For example, large-scale research undertaken in the United States policing context shows that when the make-up of police members and leaders better reflects the communities they serve, there is a positive impact on job satisfaction and perceptions of fairness. These impacts were found to influence employee retention and performance.⁷² Importantly, in this context it was found that perceptions of efforts to promote workplace diversity resulted in increased staff satisfaction, demonstrating the value of clear visible organisational leadership in promoting gender equality.⁷³

Workforces that reflect gender equality have been shown to reduce organisational gender pay gaps and save organisations money because of increased productivity:⁷⁴

- employees in inclusive teams are 10 times more likely to be highly effective at work than employees in non-inclusive teams⁷⁵
- employees in inclusive teams are 19 times more likely to be very satisfied with their work than workers in non-inclusive teams.⁷⁶

A culture of workplace flexibility also benefits organisations.⁷⁷ It:

- increases productivity,⁷⁸ efficiency⁷⁹ and engagement,⁸⁰ with research showing, for example, that women who work flexibly are the most productive employees in an organisation⁸¹
- makes workplaces more attractive to future employees⁸²
- enables organisations to retain employees and minimises recruitment and training costs⁸³
- increases work-life balance⁸⁴ and increases employee satisfaction levels with their work and work-life balance⁸⁵
- assists women to progress to leadership positions⁸⁶ and increases women's commitment and drive to lead in their organisation.⁸⁷

In addition, when male leaders visibly model flexible work they create a culture where other men feel more comfortable and confident to take longer periods of parental leave and care for children.⁸⁸ Research has also found that managers with caring responsibilities are rated as better managers by their teams than those without them.⁸⁹

In police organisations, embedding a culture of flexible work challenges archaic ideas that policing is an uninterrupted, full-time career.⁹⁰ In particular, it enables women and men to balance the demands of raising children and progress their careers, maintain their professional networks and expertise and remain competitive in promotion and progression processes.⁹¹

Organisations that have a higher percentage of part-time managers have more women in leadership roles – and are able to model an organisational environment where women can thrive.⁹² When senior leaders embrace part-time work, they also dispel the myth of 'part-time, part-committed'.⁹³

4.3.2 MORE EFFECTIVE SERVICE DELIVERY

Serving a modern, diverse Victoria

Research shows that organisations with diverse teams, in particular culturally diverse and gender-balanced leadership teams, are more effective. They are more efficient, productive and innovative and bring together varied perspectives to make better decisions.⁹⁴ This means that when organisations support and value a workforce with diverse skills and backgrounds, they are better placed to tackle the variety of challenges they face now and in the future.⁹⁵

In agencies that are large and multi-faceted, such as policing organisations, this need is even more evident. Diverse skills and backgrounds are essential to effectively carrying out complex and vital work that spans a multitude of functions.

Given women form roughly half the population that police serve, it is imperative that women are present and active as police employees. This reflects the ideal that the police need to reflect the demographics of their community if they wish to engage, empathise and build relationships with that community.⁹⁶

'The police are the public and the public are the police'⁹⁷

Community policing is increasingly recognised as critical to effective policing.⁹⁸ Community policing means that:

- the community is the priority for police work
- the community must be engaged by the police in order to reduce and respond to crime
- duties must expand beyond a traditional understanding of policing crime
- police employees must develop skills beyond physical responses to crime, to include problem solving, relationship-building and effective communication.⁹⁹

The benefits of community policing include community empowerment, improved community perception of police and reduced rates of crime.¹⁰⁰

This model of policing recognises that increasing the representation of women improves the performance of policing organisations and makes them innovative, adaptable and effective in meeting the needs of their communities.¹⁰¹ This is in part because the community expects its police organisation to reflect its make-up and because gender equality is associated with better outcomes for all employees.¹⁰²

Employing more women goes beyond fulfilling a demographic requirement – it is now a capability and service delivery necessity for policing organisations.¹⁰³

Police work has changed significantly since many policing organisations were established. Cultural, technological and demographic shifts have affected the nature and scope of the services that police can provide and led to increased demand for those services.¹⁰⁴ A greater emphasis on community policing, driven by criticism of traditional police practices, means that partnering with diverse communities is now understood to be central to effective policing and reducing crime.¹⁰⁵ As a result, the systems, knowledge and capabilities that policing organisations require have evolved.

Key policing capabilities include working with people in crisis situations who are in emotional distress, de-escalation of volatile situations and community engagement. In addition, while tactical skills and physical abilities are used in some situations, communication is the primary tool used in almost all policing work.¹⁰⁶ In dynamic situations where safety is critical, communication is vital to ensure that information is shared, and all voices are heard.¹⁰⁷ Attracting and retaining talent that displays these skills will enhance the capability of organisations and develop their ability to carry out core aspects of service delivery.¹⁰⁸

Internal benefits combined with external community demands make a compelling case for gender equality in policing.

Victoria Police Blue Paper: A vision for Victoria Police in 2025

Modern police organisations such as Victoria Police must leverage all available resources in order to meet these dynamic requirements. As with any organisation, Victoria Police's employees are its most critical resource.

Victoria Police's Blue Paper, launched in 2014, sets out the organisation's vision to adapt to meet the dynamic needs of the Victorian community over 10 years to 2025.¹⁰⁹ It explains that:

- reflecting the make-up of the Victorian community is a core business requirement of Victoria Police¹¹⁰
- increasing the representation of women in the organisation is key to engaging and building meaningful relationships with the community¹¹¹
- transformational change to achieve gender equality is a fundamental challenge for Victoria Police.¹¹²

Like the Blue Paper, the Victorian Government's Community Safety Statement, launched in 2016, recognises that gender equality is critical to improving Victoria Police's capability to keep the community safe.¹¹³

Developing capability to respond to gender-based violence against women, including family and sexual violence

Victoria Police is at the forefront of responses to gender-based violence against women, including family and sexual violence.

- Between 40 to 60 per cent of Victoria Police 'call-outs' on any given day are in response to family violence and, in 2016–17, Victoria Police responded to 76,500 of these incidents – one incident every seven minutes.¹¹⁴
- Reports of sexual offences increased by 45 per cent between 2012 and 2017.¹¹⁵
- Rates of reporting family violence and sexual offences are increasing, as the community better understands that these forms of gender-based violence against women are systemic issues rather than private matters.¹¹⁶

The Royal Commission into Family Violence, which concluded its inquiry in 2016, considered the role of Victoria Police in responding to family violence, as well as the experiences of individuals who have engaged with police in the context of such violence.

Victoria's Royal Commission into Family Violence

The Royal Commission into Family Violence heard stories of inconsistent and harmful police responses to family violence.¹¹⁷ For example, some women shared that they had been misidentified as the primary aggressor in an incident, while others reported that their concerns about family violence had been minimised as not serious enough to warrant a police response.¹¹⁸

These stories resonate with broader research that shows that male police members who work in a masculine policing culture and hold harmful gender stereotypes believe that family violence is not a serious crime.¹¹⁹ Police members who hold these views have been shown to blame victims/survivors of family violence and treat incidents less seriously.¹²⁰

Negative experiences with police responses to family violence meant women were less likely to report experiences of violence in the future and, in some cases, directly reduced the safety of women in the community.¹²¹ This is consistent with broader research that shows that gender equality is linked to better policing outcomes, such as where more effective responses to sexual offences result in more women reporting sexual offences.¹²²

Other evidence before the Royal Commission stressed the importance of effective and supportive police interactions when dealing with family violence. Victims/survivors shared the positive impact on their wellbeing when police responded swiftly, had specialist family violence skills and took action to keep them safe.¹²³

In its final report, the Royal Commission addressed the practices and capabilities of Victoria Police, recognising that:

Police play a very important part in the front-line response to family violence, and are integral to the broader family violence system in Victoria. Police members who respond to family violence incidents are often the first contact that a victim has with the family violence system. An effective police response is essential to victims' ability to remain safe, receive a fair outcome, and recover from the violence.¹²⁴

As a result, it made several recommendations to strengthen Victoria Police's approach to family violence. These recommendations were broad-ranging, targeting the organisation's guiding policies and strategies, family violence education, development of specialist capabilities, reporting and measurement systems and the use of technology and data.¹²⁵

Over the past 20 years, Victoria Police has recognised the need to improve the organisation's response to family and sexual violence and, as a result, has made significant changes to its procedures, structures and culture.¹²⁶ Victoria Police is continuously evolving its work to respond to the high rates of family and sexual violence, with new victim-centric models built to increase referrals to specialist support for victims/survivors, address individual drivers of violence, actively manage perpetrators and provide support to keep victims/survivors safe. Changes, such as increased training and guidance for identifying and responding to family violence incidents and increased funding for specialist family violence roles, demonstrate that Victoria Police is taking concrete steps to ensure its frontline staff can meet the needs of victims/survivors and hold perpetrators accountable.

Victoria Police has also undertaken critical work, responding to recommendation 45 of the Royal Commission, to review internal responses to family violence involving the organisation's employees. This analysis identified that while a range of mechanisms are in place to respond to family violence involving employees, inconsistency and a lack of clarity impact the effectiveness of organisational responses. It also recognised that to improve its internal responses, Victoria Police must do more to ensure that victims/survivors are kept safe, perpetrators are held accountable, the risk of future harm is reduced, and processes are clear and provide natural justice.¹²⁷

Victoria Police's work to achieve gender equality, safety and respect in its workplaces is critical to enabling its employees to meet the evolving response of the organisation to gender-based violence against women, including family and sexual violence. As outlined below, addressing gender inequality and harm in Victoria Police will improve service delivery, because the understanding, skills and systems required to address workplace harm within the workplace are intrinsically linked to those needed to address harm in the community.

What Victoria Police needs to respond effectively to gender-based violence ¹²⁸	How gender equality will help achieve this
Employees understand the nature, drivers and impact of gendered violence, including that gender inequality is a key driver ¹²⁹	<p>Increased awareness of the link between gender inequality and workplace harm within Victoria Police helps employees understand the link between gender inequality and gendered violence in the community</p> <p>Members investigating gendered violence, including family and sexual violence, will therefore be less likely to subscribe to myths and misconceptions about family violence and sexual offending and less likely to engage in victim-blaming</p>
Employees engage effectively with victims/survivors and perpetrators, show empathy and compassion for victims/survivors in emotional distress and are skilled at de-escalating volatile situations	Victoria Police demonstrates that it values a breadth of skills and therefore attracts and recruits women and men with the right capabilities
Employees can assess and manage the risk of violence and prioritise the safety of victims/survivors and children	Victoria Police embeds a victim-centric approach to workplace harm internally, which develops the capability of investigators in specialist units to keep victims/survivors and children safe and hold perpetrators accountable
Employees understand that the dynamics of gender-based violence can change across different communities	Victoria Police has a more diverse workforce that better understands the nature and dynamics of violence in different communities
Employees understand that expert assistance may sometimes be needed to ensure an effective organisational approach to gender-based violence	Victoria Police develops an organisational understanding of the value of external expert advice and support in responding to gendered violence
Responses to gender-based violence foster community confidence in reporting the violence to Victoria Police	Victoria Police is perceived as an organisation that respects women and increased representation of women encourages more and earlier reports of gendered violence, including sexual offences ¹³⁰

Victoria Police has a strong foundation to build on to improve its response to gender-based violence. Importantly, there is clear recognition within Victoria Police of how important it is to increase understanding of gender inequality and gender-based violence against women at all levels of the organisation.

Given that 40 to 60 per cent of our response work relates to responding to violence against women, each and every one of us must understand how gender inequality drives this. If we understand how gender inequality is harmful within our workplace, we will also understand how gender inequality drives harm against the most vulnerable in our community: women and children who face violence in their homes and on our streets. Ending gender inequality in our workplace will also help us understand how we can better support and protect women and children who face violence and so fit us to better serve and protect our community.

Gender equality is core business for all Victorian Government agencies

As discussed in Section 4.3.2, the Royal Commission into Family Violence drew a clear link between gender inequality in Victoria and gender-based violence against women. Its findings highlighted the role various government agencies, including Victoria Police, had played in failing to protect the community and recommended a path forward for a safer Victoria. A core part of that path required shaping better attitudes to women and children at all levels of society, and developing better, more integrated government responses.

In the wake of the Royal Commission, the Victorian Government demonstrated its commitment to gender equality by launching its first state wide gender equality strategy, *Safe and Strong*.¹³¹ The strategy emphasises the benefits of gender equality for the community, recognising that gender equality is a key way of preventing violence against women and girls and has significant economic benefits for society.¹³² It also included a commitment to legislative reform, aimed at holding public sector organisations accountable for planning and reporting on gender equality.¹³³

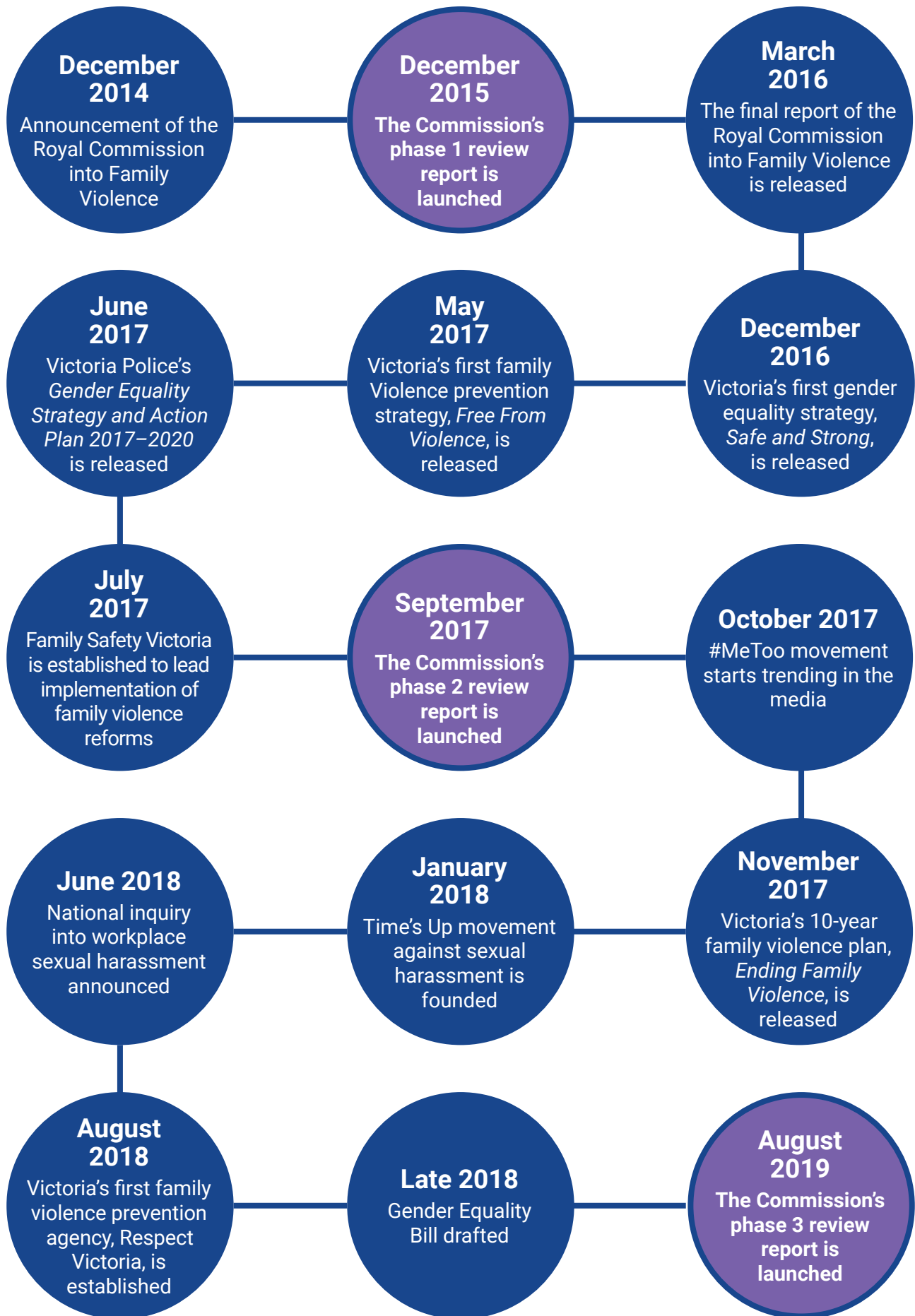
Other Victorian Government initiatives include the establishment of Family Safety Victoria to deliver key reforms to family violence intervention and response,¹³⁴ and the creation of Respect Victoria, dedicated to preventing family violence and other forms of gender-based violence against women.¹³⁵ These significant investments further reflect that gender equality is core government business in Victoria.

This focus on gender equality is reflected internationally – gender equality is now core policy work for many governments worldwide.¹³⁶ International organisations, including the World Health Organization and the United Nations, also view gender equality as an instrumental part of preventing violence against women and girls and addressing global poverty.¹³⁷

Many government, community and social initiatives recognise that gender inequality is embedded and perpetuated in social and economic structures inherent in the workplace. Victoria Police, as a highly visible government agency, is one such workplace. Initiatives that emphasise women's economic participation, safety and respect at work show increased understanding of the pivotal role that workplaces play in addressing the drivers of discrimination and structural barriers that perpetuate gender inequality.

Gender equality has become a community and government expectation in Victoria. In recent years, a number of high-profile community-level and government-led initiatives have signalled the expectation that all government organisations role model gender equality (see Figure 8 below). As a large public sector employer with a significant public profile, the community expects Victoria Police to be a leader in this field.

Figure 8 – Embedding gender equality in Victoria



Victoria Police is an integral part of the Victorian community

As at November 2018, Victoria Police employed 20,965 people. This equates to around one in every 187 working-age Victorians, which, as explained in Chapter 2, makes it the third largest public entity employer in the Victorian Public Sector. Employees are drawn from the Victorian community across all geographical areas, making the organisation's relationship to the communities it serves critically important.

Police work (along with other 'first responder' types of work) involves direct and frequent contact with everyday people. Police members cover shifts spanning 24 hours per day, 365 days per year, and are often a first point of contact for people at their most vulnerable.

Aside from their operational and investigative duties in relation to responding to crimes and protecting the public, the police also engage with the community in educative and relational roles. Police members visit schools to speak with primary and secondary school aged children on a range of topics about their rights, duties and community safety and police often attend community events. Police are likely to be even more visible in regional and remote areas where communities are smaller, there are fewer police members and police members may serve for long periods and be well known to locals.

Victoria Police employees are community leaders

Because of this breadth and depth of presence, Victoria Police employees are both members of the community and pillars of the community expected to lead by example. When it comes to gender-based violence against women, including family and sexual violence, it is essential that the organisation uses this leadership role to model an evidence-based understanding of the drivers, risk factors and appropriate responses.

Many people decide to pursue a career in policing out of a desire to contribute to their community and make a difference in peoples' lives.¹³⁸ Through what can be confronting and challenging day-to-day work, police employees have the opportunity to shape attitudes and behaviour in their interactions with the community.

Being community leaders means that public confidence in police organisations is crucial to their efficacy and reputation. To instil and maintain this public confidence, policing organisations need to be seen to act on behalf of the community and represent its interests.¹³⁹

Community partnerships, such as Victoria Police's reference groups that partner with Victorians with disabilities, LGBTI Victorians, and culturally diverse Victorians, provide a strong platform for this community leadership. Through these kinds of partnerships, policing organisations can better understand and represent diverse communities; in addition, they can leverage that understanding to foster social change by modelling contemporary values.

The community expects change

In the wider community, awareness of the nature and extent of the discrimination, harassment and violence faced by women has grown dramatically, encouraging the discussion of gender equality to enter mainstream cultural discourse. High-profile cases of family and sexual violence have caused anger across the Victorian community, and global movements such as #MeToo, #YesAllWomen and Time's Up have emerged as women use social media platforms to publicise and highlight their individual experiences of sexual harassment.

These movements pointed to pervasive themes, and helped individual stories transcend into collective discontent at women's all-too-common experiences of violence and harassment at work, on the street and in their homes. There is growing recognition that this harm is endemic and unacceptable, and the community is calling for action to ensure women feel safe and respected in all areas of life.

As a result, community expectations on how police respond to this harm have also changed. Broader understanding of the role gender inequality plays in driving violence against women means policing organisations such as Victoria Police are held to a new standard. Responses that blame victims/survivors or minimise women's experiences of harm are now unacceptable.

Just as gender equality and prevention of gender-based violence against women is part of the general community's aspirations and expectations, so too should those aims be reflected in the agenda of the police force and attitudes of its employees in carrying out their work.

Victoria Police acknowledges that gender inequality drives violence against women

On 25 May 2019, the body of Courtney Herron was found in a park in inner-city Melbourne. Assistant Commissioner Luke Cornelius spoke to the media about her murder, acknowledging that gender inequality is the key driver of violence against women:

The key point is [that] this is about men's behaviour, it's not about women's behaviour. Every time I hear about a woman being attacked – for me as a man – it gives me some pause for reflection about what it is in our community that makes men think it's OK to attack women, or take what they want from women ... Violence against women is absolutely about men's behaviour, it's not about women's behaviour. We need to reflect on our own behaviour, the behaviour of men known to us. We need to reflect on what we say to our sons, about whether they're respecting their playmates in the playground, or respecting women in the early days when they're looking to embark on relationships with women. We as a society need to take an opportunity to reflect on how men view women in our community, and ... tragedies where women have been attacked and suffered harm at the hands of men. Every man needs to reflect on what is it about our society and community that appears to continue to support some men – a small number of men – thinking it's okay to attack women and cause women harm.¹⁴⁰

Police are community leaders, and their work is at the forefront of Victoria's response to violence against women. Assistant Commissioner Cornelius' comments mark an important shift in the way Victoria Police responds to gendered violence, building on the acknowledgement in *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018–2023* that 'these crimes [that is, violence against women and children] are a violation of human rights. They arise from deeply gendered social and political issues that are grounded in intersectional structural inequalities and an imbalance of power'.¹⁴¹

Assistant Commissioner Cornelius' comments are a powerful and commendable demonstration of leadership that sets a clear standard for how police must understand, address and respond to the critical levels of violence against women in our community.

Notes

- 1 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981). On CEDAW generally, see Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012). On the Committee's interpretation of the rights to non-discrimination and equality in CEDAW, see Simone Cusack and Lisa Pusey, 'CEDAW and the Rights to Non-Discrimination and Equality' (2013) 14(1) *Melbourne Journal of International Law* 1.
- 2 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [3]-[14]; Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 47th sess, UN Doc CEDAW/C/GC/28 (2010).
- 3 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [6].
- 4 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [8].
- 5 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [8].
- 6 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [8], [10]; Sandra Fredman, 'Beyond the Dichotomy of Formal and Substantive Equality: Towards a New Definition of Equal Rights' in Ineke Boerefijn et al (eds), *Temporary Special Measures: Accelerating De Facto Equality of Women under Article 4(1) UN Convention on the Elimination of All Forms of Discrimination against Women* (Intersentia, 2003) 111, 115 (first defining this concept as 'equality as transformation').
- 7 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) preambular para 14, arts 1, 5, 24. See also *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [8], [10].
- 8 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [8].
- 9 *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [10].
- 10 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) preambular para 14, arts 2(f), 5, 10(c); *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [7].
- 11 Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 47th sess, UN Doc CEDAW/C/GC/28 (2010) [22].
- 12 Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 47th sess, UN Doc CEDAW/C/GC/28 (2010) [18]. See also *Report of the Committee on the Elimination of Discrimination against Women: Thirtieth Session; Thirty-first Session*, UN GAOR, 59th sess, Supp No

- 38, UN Doc A/59/38 (2004) annex 1 ('General Recommendation No 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures') [12]; Meghan Campbell, 'CEDAW and Women's Intersecting Identities: A Pioneering Approach' (2015) 11(2) *Revista Direito GV* 479; Andrew Byrne, 'Article 1' in Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds) *The UN Convention of the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012) 51, 68–70.
- 13 Our Watch, *Equality and respect for all women: An intersectional approach* (2017) 4–6.
 - 14 Victorian Equal Opportunity and Human Rights Commission, *Proud, visible, safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police* (State of Victoria, 2019).
 - 15 Victorian Government, *Safe and Strong: A Victorian Gender Equality Strategy* (2016) 3–4.
 - 16 McKinsey & Company, *Women in the Workplace 2018* (2018); Our Watch, *Equality and respect for all women: An intersectional approach* (2017) 4–6; Multicultural Centre for Women's Health, *Intersectionality Matters: A guide to engaging immigrant and refugee communities to prevent violence against women* (2017) 18.
 - 17 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 33.
 - 18 Evan P. Apfelbaum, Nicole M. Stephens and Ray E. Reagans, 'Beyond One-Size-Fits-All: Tailoring Diversity Approaches to the Representation of Social Groups' (2016) *Journal of Personality and Social Psychology* 16.
 - 19 Evan P. Apfelbaum, Nicole M. Stephens and Ray E. Reagans, 'Beyond One-Size-Fits-All: Tailoring Diversity Approaches to the Representation of Social Groups' (2016) *Journal of Personality and Social Psychology* 17.
 - 20 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 6, 8.
 - 21 Crime Statistics Agency, *Family incidents* <<https://www.crimestatistics.vic.gov.au/family-incidents>>.
 - 22 Crime Statistics Agency, *Spotlight: Sexual offences* <<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/spotlight-sexual-offences>>.
 - 23 Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment* (2018) 26.
 - 24 Workplace Gender Equality Agency, *Australia's gender pay gap statistics* (2018). Data current as at November 2018.
 - 25 Workplace Gender Equality Agency, *Australia's gender pay gap statistics* (2018). Data current as at November 2018.
 - 26 Australian Human Rights Commission, *Supporting working parents: Pregnancy and return to work national review* (2014) 23, 27.
 - 27 Victoria Legal Aid, Submission to the Women and Royal Commission Branch, Department of Premier and Cabinet (18 March 2016), 22.
 - 28 Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018), 9.
 - 29 MIMOZA Birinshikaj and Marika Guggisberg, 'The wide ranging impact of sexual harassment in the workplace: An Australian pilot study' (2017) 25(1) *International Journal of Employment Studies* 6, 15–18.
 - 30 Darius K-S Chan et al, 'Examining job-related, psychological, and physical outcomes of workplace sexual harassment: a meta-analytic review' (2008) 32 *Psychology of Women Quarterly* 362, 373.
 - 31 Darius K-S Chan et al, 'Examining job-related, psychological, and physical outcomes of workplace sexual harassment: a meta-analytic review' (2008) 32 *Psychology of Women Quarterly* 362, 370.
 - 32 Australian Human Rights Commission, *Accumulating poverty: Women's experiences of inequality over the lifecycle* (2009).
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Part II.

Audit outcomes

Part II of this report assesses the extent to which Victoria Police has implemented the recommendations made by the Commission in the phase 1 report. It does this by applying the audit framework developed by the Commission (see Appendix B).

- **Chapter 5** addresses the implementation of recommendations 1 to 5, focusing on the foundations of change.
- **Chapter 6** analyses the implementation of recommendations 6 to 8, 11 and 17, which aim to support gender equality throughout women's careers in Victoria Police.
- **Chapter 7** addresses recommendations 9, 10, 12 and 15, assessing the extent to which Victoria Police has developed individual and organisational capability related to gender equality.
- **Chapter 8** analyses the implementation of recommendations 13, 14, 16, 18, 19 and 20 relating to Victoria Police's responses to sex discrimination and sexual harassment, sometimes referred to collectively in the report as 'workplace harm'.

Each chapter summarises the findings and recommendations made by the Commission in phase 1. It also summarises the results of the interim audit in phase 2, including any further guidance that we gave to Victoria Police at that time. These summaries should be read together with the Commission's detailed reports on phase 1 and phase 2.¹

Each Part II chapter also details the steps Victoria Police has taken since phase 2 to implement the Commission's recommendations and further guidance, as well as the impact of the reforms within the organisation. In addition, each chapter sets out the Commission's final assessment of the extent of Victoria Police's implementation of the phase 1 recommendations.

Measures still needed to implement a recommendation are identified where the Commission has found that Victoria Police has not yet achieved full implementation. Any new recommendations made by the Commission to assist Victoria Police as it continues to work to embed gender equality across the organisation following the end of the review, are set out in Chapter 10 of the report.

The Commission's phase 1 recommendations

In 2015, the Commission made 20 recommendations to drive cultural and practice change and promote safety, equality and freedom from sexual harassment within Victoria Police. These recommendations are set out below.

RECOMMENDATION 1

Based on contemporary best practice, Victoria Police (supported by the Victorian Government) should develop a redress scheme for Victoria Police personnel that includes:

- a restorative engagement initiative
- a reparation scheme – financial and non-financial
- public acknowledgement of harm.

RECOMMENDATION 2

The Executive Command establishes an appropriate, independent advisory structure to guide the intent and implementation of the Review's recommendations.

The advisory structure should include senior, external expertise that reports directly to Executive Command and meets quarterly with the Chief Commissioner as the strategy is developed.

It should provide guidance in the areas of:

- best-practice responses to working with men and women to build awareness of gender inequality, gender identity and role stereotypes, and of the link between gender inequality and violence against women
- best-practice restorative justice processes
- best-practice victim empowerment models of addressing workplace harm, with specific expertise in sexual harm, sexual assault and sexual harassment as well as secondary victimisation
- best-practice responses to sex discrimination and sex-based hostility
- best-practice bystander actions to build gender equality
- organisational development and change.

RECOMMENDATION 3

Victoria Police develops a whole-of-organisation Gender and Diversity Vision and Strategy linked to the organisational performance and capability framework to drive cultural and practice change. This vision and strategy should be owned by and be accountable to the Chief Commissioner. It should:

- articulate the Victoria Police vision to build gender equitable workplaces in clear and unequivocal terms. This will be a first step and require consistent, visible leadership at the most senior levels. The Review notes that time spent consulting and engaging employees in this work will build a platform for all recommendations in this Review
- identify and leverage the interdependencies among current and emerging workplace and community facing strategies
- sustain commitment and work to build whole-of-organisation knowledge and understanding of the relationship between gender equality and healthy, safe and respectful workplaces
- align the intent, accountabilities and implementation of efforts to implement responses to this Review alongside other key change initiatives
- develop a formal policy and process review mechanism to ensure gender equity principles are embedded in all organisational initiatives
- ensure gender impact analysis is embedded in policy and strategy development and review processes
- develop an organisation-wide gender performance framework and annual monitoring. Organisational performance objectives and measures should be linked to safe and respectful workplaces if the vision and effort to achieve a safe and respectful workforce is to be sustained. These measures should embed proactive data, process and outcome measures and cascade down to the performance and capability requirements of all managers and employees. They should include employee insight and satisfaction of the shifting workplace climate
- prioritise safety and wellbeing of employees who have experienced workplace harm. For people engaging in inappropriate behaviours, a range of swift and appropriate management and policing responses are needed, depending on the nature of the behaviour
- cascading from this strategy, each Command should establish, develop and implement an equity and diversity work plan and report progress to Executive Command bi-annually. The quality and progress of these work plans should be considered as part of Command performance and individual performance assessments of leadership. These in turn should be supported by performance assessment recommendations
- resource and coordinate women in policing committees for all female employees across all Regions, including rural areas. These forums should provide expertise to inform Command/Departmental Equity and Diversity Strategies.

RECOMMENDATION 4

That Victoria Police develops a comprehensive communications and employee engagement strategy, informed by organisational change principles to:

- build awareness of the rationale for diversity
- redefine the notion of 'merit' and increase understanding of the existence of structural barriers to recruitment, retention and advancement
- champion senior men and women who access flexible work arrangements, including part-time and parental leave
- reinforce that performance and accountability of employees must align with the vision, values and strategy
- support learning and professional development across the workforce about sex discrimination and sexual harassment, including predatory behaviour, its drivers, impacts and implications
- develop a clear organisational statement and expectation that all employees, regardless of rank or level, should 'call out' sexual harassment and discrimination if they feel safe to do so, and that they will be supported by management.

RECOMMENDATION 5

Review and update all relevant policies and procedures to ensure they are compliant with legal obligations and provide clear direction for managers to respond effectively to workplace harm and build gender equitable and diverse workplaces. This includes:

- ensuring that the legal tests for sexual harassment, discrimination and victimisation are accurate, and that current policies and procedures ensure remedial action
- as part of the workplace harm model, developing clear and detailed guidelines for managers and supervisors on their roles and responsibilities to responding to employees' internal reports of sexual harassment, sex discrimination or victimisation and complaints in a fair, safe and supportive way. This should include clear indications of victim safety principles and reference to the *Victims' Charter Act 2006* (Vic)
- introducing a structured handover process for rotating management positions for Inspector rank and above
- strengthening of Victoria Police's Conflict of Interest Policy to define sexual relationships that can be regarded as a conflict of interest, and providing guidance for managers to respond appropriately
 - The policy should include an explicit list of behaviours and define the proximity of working relationships at which conflicts should be declared. For example, sexual relationships between employees and anyone who has formal supervisory responsibility for them, as well as anyone within their chain of command, should be considered a conflict of interest, irrespective of the status of their relationship.
 - There should be additional, clearly stated requirements for all teaching staff, mentors, supervisors and field coaches to refrain from improper use of their power over Recruits and Probationary Constables. This includes participating in any sexual relationships with Recruits and Probationary Constables.

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RECOMMENDATION 5 (continued)

- providing further practical and coordinated policy guidance to all personnel on the interpretational criteria for the:
 - Victoria Police Act terms conduct, misconduct and reason to believe
 - Protected Disclosure Act terms *improper conduct* and *detrimental action*
 - Independent Broad-based Anti-corruption Commission Act term *corrupt conduct* (see also Recommendation 16)
- amending the Victoria Police Manual to provide information regarding complaint processes related to executive level personnel.

RECOMMENDATION 6

Victoria Police review recruitment and exit processes, including:

- recruitment practices to ensure they align with best practice in screening to ensure the attitudes and expectations of all future Recruits align to the values and vision of the organisation, including an emphasis on respect and diversity
- physical employment standards to ensure they are aligned with role requirements and consistent with Victoria Police's occupational health and safety obligations
- offering support to potential Police and Protective Services Officer Recruits at no fee to meet any physical standards associated with general recruitment as well as recruitment to specialist roles within the organisation
- collecting and monitoring information about reasons for attrition at all stages of recruitment processes as part of broader monitoring under the Equity and Diversity Strategy
- instituting exit interviews for all resignations and retirements and collect and monitor data in relation to reasons for leaving and attrition of particular groups by gender, rank/level and work type.

RECOMMENDATION 7

Victoria Police review and amend all arrangements relating to flexible work including:

- identifying mechanisms and processes to ensure backfill for paid and unpaid parental leave and light duties is implemented
- reviewing and standardise policy and processes relating to flexible work arrangement and particularly the parental leave cycle, reflecting best practice in relation to preparing for leave, staying connected while on leave, reintegration into the workplace and career acceleration
- ensuring data collection and monitoring captures access to flexible employment options for both women and men and the reasons for not accessing any entitlements in this area
- ensuring all of its supervisors are trained in dealing with flexible working requests and what it means to refuse someone on reasonable business grounds.

RECOMMENDATION 8

Victoria Police review and improve arrangements relating to promotional pathways for women including:

- through central and localised Equity and Diversity strategies and work plans regularly review gender disaggregated data relating to key promotion criteria on who is accessing upgrade and transfer opportunities
- training to be developed by People Development Command about utilising clause 63.6 of the Agreement to allow progression for Constables who have taken a period of unpaid parental leave and do not have 12 months' salary payment at their current progression point, but otherwise meet the performance and capability criteria for promotion
- designing and implementing employee career planning and support, which includes clear pathways and support for women to pursue professional development and training in leadership and non-traditional roles and formal sponsorship
- under academic governance guidance, reviewing the Senior Management Leadership Program and learning support mechanisms to ensure alignment with the contemporary requirements and needs of women for leadership.

RECOMMENDATION 9

In relation to learning and professional development, Victoria Police should review its training and education functions to align learning intent and future capability needs as expressed in the Education Master Plan with organisational processes. These include:

- the funding and training delivery model
- People Development Command will establish an academic governance structure that includes independent expert(s) with a primary focus in the field of gender, sex discrimination and sexual harassment to advise on academic policies and all curricula and to guide teaching and learning activities that support respectful and safe gender relationships on a life-long learning continuum.
- ownership and funding for the review and development of all training curricula will reside with People Development Command and be informed by academic governance processes, which will include external expertise:
 - under academic governance guidance, review the Senior Management Leadership Program and learning support mechanisms to ensure alignment with the contemporary requirements and needs of women for leadership
 - within 18 months, women's access to leadership training is at least proportional to their representation in the overall, relevant workforce (Police, PSO, VPS). Within three years, 50 per cent of all senior management training opportunities are accessed by women. Where there is not a sufficient pool of women to draw from, managers will nominate women with demonstrated people management capabilities and leadership potential.
- Contemporary, evidence-based management and supervisory training should be developed and incorporated into all Foundation, promotional and professional development training.
- The content and face-to-face delivery of the training should be developed and delivered in partnership with expert advisors/specialist external training providers that have expertise in workplace management of harms based on sexual harassment, sex discrimination and gender equality.

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RECOMMENDATION 9 (continued)

- this training will include the rights and administrative responsibilities of employees and employers in the workplace and be contextualised for each learner cohort. Training will incorporate:
 - definitions and meanings of sexual harassment, sex discrimination and victimisation and their drivers and impact
 - their responsibilities to prevent and respond to incidents of sexual harassment, gender-based hostility and sex discrimination, including positive duty and liability under the Equal Opportunity Act
 - appropriate responses to the target of those behaviours to minimise the harm they experience and enhance their safety in the workplace
 - appropriate responses to the alleged perpetrator(s)
 - competence to refer/access informal and formal options available to the target/victim
 - understanding manager's role in classification and recording issues and the appropriate place to do this
 - understanding of manager's rights and responsibilities in considering requests for flexible work arrangements and strategies to establish and manage them
 - understanding managers' responsibilities to support bystander action and create safe and health workplaces
 - understanding and promoting workplace diversity, in particular gender equality, and practical applications of this through use of management processes, including performance management
 - the need to provide managers with guidance on making safe and appropriate referrals
 - best-practice bystander intervention in sexual harassment and sex discrimination.
- Participation in face-to-face training will be compulsory for all managers and supervisors annually.
- All other employees should participate in training biannually.

RECOMMENDATION 10

People Development Command strengthens management of risks associated with the Academy environment by:

- reviewing and updating the professional boundaries course by the recommended academic governance structure to further focus it on issues of sexual harassment, sex discrimination and predatory behaviour, as well as to introduce gender equity and equality concepts to instructors
- maximum time in position is instituted for police teaching staff in People Development Command
- further tightening of the selection of field coaches with explicit regard for Victoria Police values, including respect and equality for women and men alike
- further prescription of the management steps taken by the Academy to manage risks and victim/target safety detected, including through the Evaluation Strategy or Learner Surveys of sexual harassment or gender-based discrimination.

RECOMMENDATION 11

That Victoria Police reviews the inherent requirements for roles to ensure they reflect the tasks required.

RECOMMENDATION 12

- Consistent with and feeding into the organisation-wide gender performance framework, performance in workplace equality and respect should be a compulsory performance field [f]or performance appraisal and reward and incentive systems. This includes being a compulsory field of Professional Development Assessments (PDAs) and executive management performance agreements.
- Inclusive management should be regarded as an area of continuous and ongoing professional development for all employees.
- Managers who do not have and record conversations to support equality and respect in staff PDAs should be assessed as not meeting key performance indicators.
- Upward assessment processes for all supervisors and managers should be introduced as part of the performance development process. Feedback from this process should inform ongoing training needs assessment and development of the supervision and management training curriculum to be developed by People Development Command.
- Performance development measures for executives should be implemented to support people development in the workplaces they manage. Measures should emphasise effectiveness over compliance. Consider processes that formally acknowledge executives assessed to be effective in developing people and building organisational capability, including those who pro-actively develop employees to reflect the intended diversity of the Victoria Police workforce at all levels.
- Victoria Police reweights the capability descriptors guiding performance assessment for supervisors and managers at all levels with additional focus on people management skills and demonstrated leadership in building a skilled and diverse workforce.
- Victoria Police should review and identify the appropriate tracking and recording mechanism(s) for inappropriate workplace behaviours that warrant ongoing supervision and management.

RECOMMENDATION 13

Victoria Police establish[es] a workplace harm model that includes:

- immediate establishment of an external 'safe space' service to provide confidential support to victims/targets of workplace harm
- an internal victim-centric workplace harm unit to triage and case manage internal complaints about workplace harm
- an Independent Advisory Board to provide expert advice and support to the Workplace Harm Unit
- an expert human resource business partnering model to support local management.

RECOMMENDATION 14

The roles of Welfare Services, including peer support, and Police Psychology be reviewed to ensure their purpose and remit are clarified and to ensure they are properly aligned, resourced and skilled to provide their core functions.

RECOMMENDATION 15

Establish a specialist human resource business partnering model to:

- coach and mentor managers and supervisors throughout the business to enhance their supervisory and management skills
- provide secondary human resource consultations to managers where specific issues had been perceived or identified, including sexual harassment, predatory behaviour and sex discrimination
- support Divisional engagement with the workplace harm model and provide expert preventative guidance (gender diversity) and interventions for workplaces that were at risk of, or impacted by, inappropriate behaviour.

RECOMMENDATION 16

Victoria Police should advocate for changes to its operating context and environment, and take interim actions where possible to enhance its flexibility to build diversity, set and enforce Victoria Police values and behaviours. This includes:

- providing further practical and coordinated policy guidance, readily available to all personnel on the interpretational criteria for the:
 - Victoria Police Act terms conduct, misconduct and reason to believe
 - Protected Disclosure Act terms improper conduct and detrimental action
 - Independent Broad-based Anti-corruption Commission Act term *corrupt conduct*.
- amending the Victoria Police Manual to provide information regarding complaint processes related to executive level personnel
- considering revising classifications for end of service to include 'resigned under investigation' and this be used in the Gazette and statements of service in cases within the remit of this review
- consulting with the Director of Public Prosecutions to pursue and conclude disciplinary charges concurrently with criminal investigations/proceedings unless there is a real risk that the disciplinary matter will prejudice the criminal proceeding.

RECOMMENDATION 17

That the Victorian Government works with ESSS to undertake a gender impact analysis of the defined benefit scheme and undertakes comparison with other schemes. This analysis should be used as evidence to review the appropriateness of the scheme in supporting contemporary career patterns, flexible work, and wellbeing of all Victoria Police sworn personnel.

RECOMMENDATION 18

The Victorian Government consider whether there are any legislative barriers in the *Victoria Police Act 2013* (Vic) and *Protected Disclosure Act 2012* (Vic) which prevent disclosure of the subject matter of a protected disclosure or assessable disclosure by Victoria Police personnel or Victoria Police work units to support services and to WorkSafe Victoria. If so, the Victorian Government should consider the most appropriate legislative amendment to enable disclosure in those circumstances.

RECOMMENDATION 19

- Police Registration and Services Board (PRSB) members should be provided with contemporary training in equal opportunity and human rights law, as well as the impact of sexual harassment and discrimination on victims. This should occur at induction for new members, immediately for current members, and then every two years.
- PRSB works with specialist partners to develop guidelines on EO, HR and victim impact in decision-making.

RECOMMENDATION 20

The Victorian Government and Victoria Police should streamline and simplify Victoria Police's existing discipline system by considering and implementing the detailed recommendations for reform in:

- the Office of Police Integrity report *A fair and effective Victoria Police discipline system* (2007)
- the Office of Police Integrity report *Improving Victoria Police discipline and complaint handling systems* (2011)
- the State Services Authority report *Inquiry into the command, management and functions of the senior structure of Victoria Police* (2011).

Our approach to the audit

About the audit framework

As detailed in Chapter 1, the Commission developed an audit framework to inform the audit of Victoria Police's progress in implementing the 20 recommendations from the phase 1 review (see Appendix B). The framework identifies:

- outcomes for each recommendation that describe what successful implementation looks like
- indicators that identify what needs to change to achieve full implementation
- metrics that detail how we will know if Victoria Police has been successful in implementing the recommendations, informed by key data sources and research questions.

In determining whether Victoria Police has successfully implemented each recommendation, the Commission has had regard to the outcomes, indicators and metrics in the audit framework.

Audit assessment categories

Each recommendation was assessed against the framework and assigned to one of the five audit assessments categories detailed in Table 15 below.

Table 15 – Audit assessment categories

Implemented	Evidence indicates that the recommendation has been implemented in a way that achieves the intent of the recommendation
Implemented to a significant extent	Evidence indicates that significant steps have been taken to implement the recommendation, but minor work is still needed to achieve the intent of the recommendation
Implemented to a moderate extent	Evidence indicates that some steps have been taken to implement the recommendation, but work is still needed to achieve the intent of the recommendation
In planning	Evidence indicates that work to implement the recommendation is in development or planning
Not yet commenced	Evidence indicates that no steps have been taken to implement the recommendation

Summary of the audit outcomes

In summary, the Commission found that Victoria Police has implemented 80 per cent of the phase 1 recommendations to a moderate or higher extent.

As detailed in Table 16 below, we determined that:

- 30 per cent of recommendations have been implemented (recommendations 1, 2, 9, 10, 18 and 19)
- 30 per cent of recommendations have been implemented to a significant extent (recommendations 3, 5, 6, 7, 13 and 15)
- 20 per cent of recommendations have been implemented to a moderate extent (recommendations 4, 8, 14 and 16)
- 20 per cent of recommendations are in the planning stages of implementation (recommendations 11, 12, 17 and 20).

The Commission did not find any evidence that implementation of any of the recommendations had not yet commenced.

These findings show considerable progress overall on the part of Victoria Police in implementing the phase 1 recommendations. This is especially the case considering that the available research shows that it can take organisations around 10 years to achieve transformative change – by which we mean change that goes to the foundational structures of an organisation, including its identity, strategy, culture and attitudes.²

Victoria Police's progress is also notable in that the organisation's ability to progress the implementation of recommendations has sometimes been affected by external factors, outside of the organisation's control.

The Commission commends Victoria Police for not shying away from those areas where it still needs to adopt further measures to bring about the scale of change that we recommended in phase 1. As explained above, Part II identifies the measures that still need to be adopted, where full implementation of a recommendation has not yet been achieved. Chapter 10 of the report then sets out 16 new recommendations – aimed at both Victoria Police and the Victoria Government – to ensure that work to embed gender equality across Victoria Police continues after the review ends in 2019.

Table 16 – Summary of the audit outcomes

RECOMMENDATION 1	Acknowledging harm and establishing a redress and restorative engagement scheme <i>Foundations for change</i>	Implemented
RECOMMENDATION 2	Establishing governance structures and independent advisory structures <i>Foundations for change</i>	Implemented
RECOMMENDATION 3	Embedding a gender equality strategy, data collection and local strategies <i>Foundations for change</i>	Implemented to a significant extent
RECOMMENDATION 4	Developing a comprehensive communications and engagement strategy <i>Foundations for change</i>	Implemented to a moderate extent
RECOMMENDATION 5	Reviewing and updating policies and procedures to achieve gender equality and diversity <i>Foundations for change</i>	Implemented to a significant extent
RECOMMENDATION 6	Improving recruitment practices and understanding attrition <i>Supporting equality throughout women's careers</i>	Implemented to a significant extent
RECOMMENDATION 7	Embedding flexible work and supporting pregnant employees, and parents and carers <i>Supporting equality throughout women's careers</i>	Implemented to a significant extent
RECOMMENDATION 8	Strengthening promotional processes and career development for women <i>Supporting equality throughout women's careers</i>	Implemented to a moderate extent
RECOMMENDATION 9	Promoting gender equality through training <i>Strengthening capability</i>	Implemented
RECOMMENDATION 10	Strengthening risk management in the learning environment <i>Strengthening capability</i>	Implemented

RECOMMENDATION 11	<p>Reviewing the genuine requirements of roles <i>Supporting equality throughout women's careers</i></p>	In planning
RECOMMENDATION 12	<p>Improving responses to workplace harm through performance management <i>Strengthening capability</i></p>	In planning
RECOMMENDATION 13	<p>Implementing systems to respond to workplace harm <i>Responding to workplace harm</i></p>	Implemented to a significant extent
RECOMMENDATION 14	<p>Ensuring cohesive and comprehensive wellbeing and support services are available to employees <i>Responding to workplace harm</i></p>	Implemented to a moderate extent
RECOMMENDATION 15	<p>Making use of people management expertise <i>Strengthening capability</i></p>	Implemented to a significant extent
RECOMMENDATION 16	<p>Embedding Victoria Police's values and expectations and resolving legislative and process issues in the discipline framework <i>Foundations for change and responding to workplace harm</i></p>	Implemented to a moderate extent
RECOMMENDATION 17	<p>Reducing the superannuation gap for women <i>Supporting equality throughout women's careers</i></p>	In planning
RECOMMENDATION 18	<p>Implementing protected disclosure changes <i>Responding to workplace harm</i></p>	Implemented
RECOMMENDATION 19	<p>The Police Registration and Services Board reviews disciplinary decisions in line with best practice <i>Responding to workplace harm</i></p>	Implemented
RECOMMENDATION 20	<p>Remodelling the discipline system <i>Responding to workplace harm</i></p>	In planning

Notes

- 1 Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase one report* (State of Victoria, 2015); Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase 2 audit* (State of Victoria, 2017).
- 2 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 57-59; Australia's National Research Organisation for Women's Safety (ANROWS) and Our Watch, *Counting on change: A guide to prevention monitoring* (Our Watch, 2017) 25.

Chapter 5. Foundations for change

Key points

- Victoria Police has laid the foundations to bring its 167-year-old organisation on a significant cultural and structural change journey.

Victoria Police has acknowledged the harm experienced by its employees

- Chief Commissioner Graham Ashton has issued two public apologies on behalf of Victoria Police related to women's experiences of sex discrimination and sexual harassment in the organisation.

Victoria Police has supported redress and restorative engagement for its employees, but the Victorian Government's intention to limit eligibility for redress is concerning

- Since March 2016, Victoria Police has participated in a bespoke, interim restorative engagement scheme managed by the Commission – a modified version of our Dispute Resolution Service. By February 2019, we had received 33 complaints through the scheme.
- In 2018, the Victorian Government agreed to establish an independent body to administer a redress and restorative engagement scheme for current and former Victoria Police employees. The 2019–20 budget included \$1.6 million to administer the scheme. It is critical that the government follows through on this commitment and sets up a scheme that aligns with the restorative justice principles detailed in the Commission's phase 1 report.
- It is concerning that the government intends to limit eligibility for redress to employees who have experienced 'sexual abuse or harassment of a criminal nature, or systemic sexual discrimination or harassment, in the workplace', thereby establishing a higher eligibility threshold than for restorative engagement.
- The stated approach to eligibility will exclude a range of conduct identified during the review, create a hierarchy of conduct that may discourage people from accessing the scheme and undermine the scheme's integrity and confidence in the commitment to address harmful behaviour. It will also place an undue focus on criminal behaviour, which is inconsistent with the Commission's recommendation.

Victoria Police has established governance structures and drawn on external expertise to support the organisation's gender equality reforms

- Victoria Police has regularly sought expert advice from its Academic Governance Board and its Independent Advisory Group to help the organisation implement the phase 1 recommendations.

Victoria Police has progressed its gender equality strategy and lifted women's voices

- Victoria Police has taken significant steps to inform and operationalise its *Gender Equality Strategy and Action Plan 2017–2020* through data collection, reporting and local work plans.
- Women in Policing Local Committees have elevated women's voices and perspectives and fostered networking and skill development among female employees.

More work is needed to create a clear and compelling case for change in Victoria Police

- Challenging existing power structures is difficult and can leave employees who benefit from those structures feeling threatened. Victoria Police needs to create a clear and compelling case for change that tells the stories of past and current harm caused by those structures and creates a vision for a future organisation in which women and men can see themselves as equal in opportunity.

Victoria Police has reviewed its policies to help achieve gender equality

- Victoria Police has updated several policies and introduced new policies and guidelines to meet its legal obligations and the goals under the *Gender Equality Strategy and Action Plan 2017–2020*.

Chapter 5 considers the extent to which Victoria Police has laid effective foundations to implement the Commission’s recommendations from phase 1 of the review. It assesses whether the organisation has taken responsibility for past harm. It considers whether Victoria Police has introduced effective governance and advisory structures to support reform and developed an organisational strategy to achieve gender equality, supported by organisation-wide data and reporting and local initiatives. Lastly, it examines whether the organisation has developed a comprehensive communications and engagement strategy to bring employees on the change journey and modernised its policies to reflect an organisational environment that supports gender equality.

As detailed in this chapter, the Commission finds that Victoria Police has taken considerable steps to lay effective foundations for achieving gender equality. We conclude that the organisation has:

- fully implemented Recommendation 1 to acknowledge harm and establish a redress and restorative engagement scheme, and Recommendation 2 to introduce governance and independent advisory structures to support reform
- implemented to a significant extent Recommendation 3, which required it to embed a gender equality strategy, data collection and local strategies, and Recommendation 5 to ensure the organisation’s policies and procedures support gender equality
- implemented to a moderate extent Recommendation 4 to develop a comprehensive communications and engagement strategy for employees.

RECOMMENDATION 1	Acknowledging harm and establishing a redress and restorative engagement scheme	Implemented
RECOMMENDATION 2	Establishing governance structures and independent advisory structures	Implemented
RECOMMENDATION 3	Embedding a gender equality strategy, data collection and local strategies	Implemented to a significant extent
RECOMMENDATION 4	Developing a comprehensive communications and engagement strategy	Implemented to a moderate extent
RECOMMENDATION 5	Reviewing and updating policies and procedures to achieve gender equality and diversity	Implemented to a significant extent

The Commission notes that addressing attitudes and values learned in the workplace is also part of laying the foundations to transform workplace culture. Part of Recommendation 16 called for Victoria Police to reform its organisational values. This recommendation is discussed in Chapter 8.

5.1 Acknowledging and redressing harm

In 2015, in Recommendation 1, the Commission called on Victoria Police to publicly acknowledge the harm that employees had experienced because of sex discrimination and sexual harassment, including predatory behaviour. Such acknowledgment from senior leaders would show a commitment to change, especially if coupled with an admission or discussion of the role that some leaders may have played in that harm. We also urged the organisation to develop a best practice redress and restorative engagement scheme for those employees.

Section 5.1 analyses the extent to which Victoria Police has implemented the intent of this recommendation.

5.1.1 ACKNOWLEDGING HARM

What we found in 2015

In 2015, the Commission heard evidence of significant, cumulative and pervasive harm stemming from high rates of sex discrimination and sexual harassment across Victoria Police. We observed the lasting impact of this behaviour on victims/survivors and their families, as well as witnesses. We also found that these behaviours damaged employees' faith and trust in the organisation's ability to respond adequately to, and acknowledge, harm.

In Recommendation 1, we urged Victoria Police to publicly acknowledge the harm experienced by the organisation's employees.

What we found in 2017

In 2017, the Commission commended Chief Commissioner Graham Ashton for making two, genuine and heartfelt apologies:

- a public apology at the release of the phase 1 report in 2015,¹ acknowledging women's experiences of sex discrimination and sexual harassment
- a private apology at the 2016 Pride March, recognising workplace harm experienced by the organisation's LGBTI employees.

We acknowledged that these apologies were an important, tone-setting milestone: the organisation's most senior leader, the Chief Commissioner, had sent a powerful public message, drawing a line in the sand and committing to change.

The Commission also commended Victoria Police for instances where individual leaders had shown authenticity, honesty and humility in acknowledging their own role in the organisation's culture of disrespect and sexism – for instance, showing candour in admitting if they had failed to call out unacceptable behaviour. At the same time, we noted participant reflections that highlighted the damaged faith and trust caused by some leaders delivering messages that employees perceived as inauthentic or contrived.

The Commission called for ongoing efforts to demonstrate humility in relation to the organisation's past culture and a sincere commitment to a respectful and inclusive workplace.

Progress in achieving change

The Commission has observed continuing efforts to acknowledge the harm suffered by employees, including two further apologies. The first occurred directly following the release of the phase 2 report, when Chief Commissioner Graham Ashton expressed sincere regret on behalf of the organisation to female victims/survivors of sex discrimination and sexual harassment:

'I again formally apologise to all women in Victoria Police who have and continue to experience harm, sexual harassment or other discrimination in our workforce and again undertake that we are continuing to drive to change this ... We're still seeing harm perpetrated in the workforce and we're still seeing considerable resistance to change and we're still seeing change slow to progress in a number of areas ... That said, we are making progress and we're optimistic about the progress that we're making.'²

The Chief Commissioner then apologised to LGBTI employees at the February 2018 internal launch of VP Pride, Victoria Police's LGBTI employee network.³ Participants again told us of their respect for, and appreciation of, some senior leaders and other members of the organisation who took the opportunity to acknowledge past harm and openly apologise to staff at internal events and training days. We also heard of meaningful and healing encounters with senior leaders experienced by members who had come forward to participate in the interim restorative engagement scheme managed by the Commission (see Section 5.1.2).

Impact of reform

The public apologies and broader acknowledgment of harm by Victoria Police have been crucial turning points in the organisation, reflecting a shift in its mindset about sex discrimination and sexual harassment (as well as broader workplace harm) and the profound impact these behaviours can have at work. At the same time, they form part of a larger, ongoing conversation about acknowledging harm in leading the organisation on a change journey. That is to say, the power of apology in restorative justice and reconciliation and restoring trust cannot be overstated.⁴

During phase 3, some participants told the Commission of the significant positive impact and restoration of trust felt when they observed leaders who are openly willing to 'own the problem'. For instance, one participant witnessed a leader giving such a presentation and reflected:

I thought that it was a really good approach, it's just sort of acknowledging that the past is the past, this is now, I would have done things differently. We've got to acknowledge that what was previously acceptable in Victoria Police is not necessarily acceptable now.

Yet, some participants expressed scepticism and mistrust in response to leaders championing gender equality when staff perceived those leaders to have been 'part of the problem', highlighting the importance of honesty in acknowledging past harmful behaviour. Specifically, participants responded negatively to messages of change from leaders who they believed displayed or had previously displayed problematic behaviour, but who had not openly taken responsibility for it.

The Chief Commissioner gave everyone permission to be upfront and say 'I'm not perfect and I've learned from it' and they never owned it. Certain members of Command can't sell the messaging because people are laughing. People ask 'how can they come up and say these things when we know what they used to do?'

I hear members of our organisation remark on how important it is, that there have been people standing up and owning it and their contribution to the current culture. Whether people hear it or not, I'm not sure ... It's the Command group that has the ... ability to do that and get broader access to our workforce. I have heard mixed reviews about when they do that; it needs to be authentic otherwise it gets rejected by the workforce.

What measures are still needed?

The Commission commends Victoria Police's efforts to acknowledge the past harm caused by sex discrimination and sexual harassment. Acknowledging the scepticism and mistrust expressed by some participants regarding leaders complicit in past harmful behaviour now championing gender equality, the Commission reminds Victoria Police about the importance of holding its leaders to account for their involvement in such behaviour and ensuring its leaders authentically acknowledge harm when it occurs (see Recommendation 1 in Chapter 10).

5.1.2 REDRESS AND RESTORATIVE ENGAGEMENT

What we found in 2015

As a part of recognising and responding to harm, we also urged Victoria Police to establish a redress and restorative engagement scheme. Such a scheme would allow victims/survivors to share their experiences with senior leaders of the organisation and enable leaders to acknowledge, and express regret and offer redress for, the harm caused to the individual.⁵ It would also demonstrate a proper commitment to learning from the past and set a foundation for cultural reform.

What we found in 2017

The Commission entered into an arrangement with Victoria Police to establish an interim restorative engagement scheme to resolve complaints from the organisation's employees about sex discrimination and sexual harassment. This scheme operated as a modified version of the Commission's existing Dispute Resolution Service and offered victims/survivors an immediate restorative engagement pathway, one not contingent on the full scheme called for in Recommendation 1 being operational.

Interim restorative engagement scheme for Victoria Police employees

The interim restorative engagement scheme is open to current and former employees of Victoria Police who have experienced sex discrimination and/or sexual harassment. Eligibility is broad and based on whether a person's account is plausible. A formal complaint under the Equal Opportunity Act is not needed.

Victoria Police and the complainant agree to conciliate the matter at the Commission. As part of the process, a senior representative of Victoria Police attends the conciliation.

Following restorative engagement principles, the Commission facilitates a process of learning and acknowledgement over two sessions.

- In the first session, the complainant, Victoria Police representative and conciliator come together in a safe, facilitated environment, in which the complainant shares what has happened to them and seeks verbal acknowledgement of the harm experienced and an apology.
- Around one to two weeks later, allowing time for reflection and healing, the parties come together again to reach a mutually acceptable resolution. Common outcomes include a written statement of regret, reinstatement of leave and payment of medical expenses and compensation.

In 2017, the Commission found that Victoria Police had already provided several financial payments and formal apologies to victims/survivors of harm through the interim scheme and that participants had found value in the restorative engagement process.

We also commended Victoria Police for the organisation's consistent and sincere engagement to facilitate the creation of a formal redress and restorative engagement scheme. This included Victoria Police establishing a Redress and Restorative Engagement Steering Committee to provide leadership and strategy to engage with community and government stakeholders. We suggested that while awaiting the establishment of a formal scheme, Victoria Police should look for opportunities to give victims/survivors a voice, for instance through working with them to tell their story. We also encouraged the organisation to clarify that the formal scheme would also be available to VPS employees.

Progress in achieving change

Interim scheme

Since 2017, Victoria Police has continued to participate in, and support, the interim scheme. By May 2019, the organisation had responded to 33 complaints received since the scheme began, all facilitated by the Commission.

Complaints received under the interim restorative engagement scheme

- Of the 33 complaints received by the Commission, 32 were made by women and one by a man.
- The most common issues raised in those complaints were sex discrimination (27 complaints, equating to 81.8 per cent of the complaints received), sexual harassment (25 complaints or 75.8 per cent) and victimisation (15 complaints or 45.5 per cent).⁶
- Other issues raised were disability discrimination, sexual orientation discrimination, parental or carer status discrimination and pregnancy discrimination.
- Of the complainants who participated in the scheme, 14 received compensation, 11 received a statement of regret, four had entitlements reinstated and one was transferred to another work location.

Support for the establishment of a formal redress and restorative engagement scheme

In addition to participating in the interim scheme, Victoria Police continued to support the establishment of a formal redress and restorative engagement scheme. Its Redress and Restorative Engagement Steering Committee sought advice from Victoria Police's Independent Advisory Group regarding proposals for the design of a scheme and, along with other stakeholders, including the Commission, helped to obtain Cabinet's endorsement for the establishment of a formal scheme.

In late 2018, the Victorian Government announced its intention to establish a redress and restorative engagement scheme for victims/survivors of sex discrimination and sexual harassment in Victoria Police.⁷ The government announced an allocation of \$1.6 million in the 2019–20 state budget for the implementation of the formal scheme.⁸ Victoria Police will provide additional support to aid the implementation of the scheme.

Current and former police members have welcomed this significant and long-awaited step in the organisation's healing process.

However, the Commission notes with concern that the Victorian Government has indicated that it intends to limit eligibility for redress to 'Victoria Police employees who have experienced sexual abuse or harassment of a criminal nature, or systemic sex discrimination or harassment, in the workplace'.⁹ By contrast, it appears that eligibility for restorative engagement will be broad, extending to 'employees who have experienced a wide range of workplace sexual harassment and discrimination'.¹⁰

Eligibility for the scheme should be the same, regardless of whether people are seeking redress. Limiting eligibility for redress payments to those who have experienced the most serious (criminal) conduct and sexual abuse and systemic sex discrimination or harassment will:

- exclude a broad range of serious conduct identified during each review phase
- place an undue focus on criminal behaviour
- limit the number of victims/survivors who can access financial reparation and discourage some applicants from accessing the scheme
- undermine confidence that the Victorian Government is genuinely committed to addressing these harmful behaviours
- possibly undermine the integrity of the scheme, as victims/survivors may pursue other avenues of redress with a lower eligibility threshold.

It is noteworthy that the Victorian Government's proposed approach to eligibility departs from that of the Defence Abuse Response Taskforce and is inconsistent with the feedback that the Department of Justice and Community Safety received during community consultations regarding the scheme.¹¹

While the Commission understands the need to ensure the scheme is financially viable, we consider that a more appropriate way to achieve this goal is by capping the maximum amount of redress payments and calculating the amount of individual payments based on the seriousness of the conduct experienced, with only the most serious of conduct attracting the highest payments.

Impact of reform

Victoria Police's overall participation in the interim scheme shows the organisation's commitment to recognise and repair the damage caused by workplace harm while efforts to establish the formal scheme are still underway. Outcomes facilitated through the interim scheme thus far show that where an employer, like Victoria Police, is genuinely willing to engage with complainants, an informal, restorative approach to dispute resolution can be highly effective:

It's a useful and a really good process to show Victoria Police is willing to listen and we can take learnings about what we need to change after hearing what has been said to us in this process ... As a senior leader you can go in and listen and you can learn and it never ceases to amaze me, the power of an apology.

All [complainants] have felt the process was beneficial and changed them; at the very least, they were able to talk about their experiences, some for the very first time openly. [The complainants] are able to be quite blunt – and some of them are pretty blunt – about what happened to them.

The Commission observed the meaningful impact of Victoria Police's genuine engagement with this process in stories of healing from participants, as in the case of 'Ivy'.

Conciliation as an opportunity for therapeutic acknowledgement and redress

'Ivy', a current female Victoria Police employee, alleged that she was sexually harassed by her manager several years ago. Ivy said that her manager repeatedly asked her to have sex with him and, when she declined, he subjected her to severe, unrelenting and aggressive bullying. Ivy told the Commission that when she reported the harassment and bullying to her superior, he took no action, instead inferring that she had led her manager on. Ivy said that the impact on her was extreme and that she had even attempted to self-harm more than once.

Victoria Police and Ivy agreed to conciliate the matter at the Commission, but it took some time before Ivy felt ready to attend the conciliation to tell her story to senior members of Victoria Police.

As part of the process, a senior representative of Victoria Police Executive Command and a senior lawyer listened to Ivy's experiences of harassment and the profound impact it had on her, including her career. In doing so, they gained important insights into the effects sexual

harassment can have on the organisation's employees and were able to reflect on how they, as leaders in the organisation, could affect cultural change.

The representatives acknowledged what had happened to Ivy and apologised to her on behalf of Victoria Police. They noted their commitment to cultural change and explained how Victoria Police is trying to achieve this, but they also recognised that Victoria Police still has work to do.

Through the Commission's process, the parties successfully reached an agreed resolution. This involved compensation for the pain and suffering Ivy had experienced, the re-crediting of some of the recreational leave she had taken and a written statement of regret.

The power of a redress and restorative engagement scheme hinges on the approach the parties bring to it; a philosophy of being victim-centric and 'doing no further harm' is essential.¹² Consistent with what many participants in the scheme told us, when done well, the conciliation process can help the complainant receive justice and healing and provide a learning opportunity for the organisation and its leaders.

Yet, the Commission also heard of a small number of instances when Victoria Police adopted an adversarial response to complaints lodged under the interim scheme, including defending complaints of a more historical nature and offering inconsistent quantum of reparations among seemingly similar complaints.

The interim scheme has been operating in the absence of the eagerly awaited formal redress scheme. Some participants expressed disappointment and sadness at the delay and lack of information available about the establishment of the formal scheme. Many of those participants were current and former employees who reported unsuccessfully trying to pursue their complaints using internal mechanisms and a lack of trust in Victoria Police as a result. The Commission acknowledges that the delay in the formal scheme is beyond the control of Victoria Police.

What measures are still needed?

Although the formal redress and restorative and engagement scheme is not yet operational, the Commission is satisfied that Victoria Police has taken all reasonable steps to support its establishment.

It is now for the Victorian Government to follow through on its commitment to establish, and adequately fund, the scheme. The Commission reiterates the importance of establishing a scheme that aligns with the restorative justice principles set out in the phase 1 report.

Guiding principles of restorative justice

- Victim safety – do no harm
- Victim choice, control and informed consent
- Victim support services
- Accessible (scheme widely promoted to current and former employees)
- Independent
- Timely
- Confidential
- Flexible
- Transparent decision-making subject to monitoring and review
- Does not require applicant to produce extensive documentation or evidence
- Fair – participation criteria based on plausible allegation rather than criminal threshold

In line with those principles, the Commission calls on the Victorian Government to broaden eligibility for financial redress to match that proposed for restorative engagement (see Recommendation 14).

In addition, the Commission urges Victoria Police and the Victorian Government to work together to promote the formal scheme widely to eligible current and former employees. We also call on Victoria Police to ensure that its senior leaders are ready to sincerely participate in the scheme on behalf of the organisation and establish internal processes to ensure that learnings from engaging in the scheme inform systemic change in the organisation.

Noting our findings above, the Commission concludes that Victoria Police has implemented Recommendation 1.

RECOMMENDATION 1

Acknowledging harm and establishing a redress and restorative engagement scheme

Implemented

5.2 Governance and resourcing

In 2015, the Commission determined that Victoria Police would need to undertake significant reform work across many areas of the organisation to implement the phase 1 recommendations. In Recommendation 2, we therefore urged the organisation to establish governance and independent advisory structures to guide the vast program of reforms. Our view was that a strong governance structure, informed by relevant expertise and coordinated at the highest levels of the organisation, would ensure that Victoria Police would deliver projects within a reasonable timeframe and in a consistent and integrated manner.

Section 5.2 analyses the extent to which Victoria Police has implemented the intent of Recommendation 2.

5.2.1 LEADING ORGANISATIONAL REFORM

What we found in 2015

The 20 recommendations made by the Commission in 2015 spanned many Victoria Police functions. We were concerned that the sheer number of projects to implement the recommendations, which cut across divisional, functional and geographic areas of Victoria Police, could mean that reform work might become fragmented.

In Recommendation 2, we encouraged Victoria Police to take a whole-of-organisation approach to ensure strategic, coordinated oversight of the reforms.

What we found in 2017

In 2017, the Commission observed that Victoria Police had taken several steps to drive and monitor reform:

- Executive Command had shown consistent commitment to reform through high level oversight at its regular meetings of the organisation's progress in implementing the phase 1 recommendations
- Victoria Police had established the VEOHRC Review Implementation Steering Committee, comprising internal and external expertise relating to workplace harm, change management and policing, to guide reform implementation strategy and progress
- Victoria Police had set up a centralised, dedicated unit, the VEOHRC Review Response Partnerships and Innovation unit, to coordinate the delivery of the recommendations across 21 projects, spanning various accountable work areas of the organisation.

We commended Victoria Police for elevating the importance of the review agenda and reform work through these project coordination and oversight mechanisms. We also said that the appointment of a dedicated Assistant Commissioner to lead the standalone unit was a powerful symbol of the organisation's commitment to change.

The Commission encouraged Victoria Police to use the leadership of Executive Command and the VEOHRC Review Implementation Steering Committee to strengthen strategic oversight over the overall implementation work. We also suggested they review the capacity and effectiveness of the existing project structures to support the ongoing implementation work.

Progress in achieving change

Since 2017, the VEOHRC Review Response Partnerships and Innovation unit has led Victoria Police's reform journey, drawing regularly on the leadership of its decision-making bodies, Executive Command and the VEOHRC Review Implementation Steering Committee. The unit has supported numerous internal stakeholders across the 21 reform projects, maintained project management oversight and kept an overall recommendation tracking register. The unit has also acted as a central coordination point for review reform initiatives.

The VEOHRC Review Implementation Steering Committee has continued its monthly meetings, where senior leaders have monitored the organisation's overall progress in implementing the Commission's recommendations. Monitoring has occurred through regular updates, reports and presentations on the progress of reform projects.

In 2018, as part of transition planning, the VEOHRC Review Implementation Steering Committee sought advice from external consultants on options for the organisation's gender equality initiatives after the review ends. The Commission understands that these options were considered by the steering committee and the Corporate Advisory Group in April 2019. We further understand that Executive Command recently endorsed the establishment of a dedicated, ongoing office in Victoria Police to drive gender equality across the organisation following the end of phase 3 of the review. The office will reportedly shift the organisation's focus away from acquitting the phase 1 recommendations, to achieving long-term gender equality outcomes (applying an intersectional lens to gender equality). This office will also incrementally focus on other areas of diversity and inclusion.

Impact of reform

Victoria Police has successfully established and maintained robust governance structures that have given the organisation the best chance of implementing the phase 1 recommendations. These structures have been critical in maintaining reform momentum across the vast projects.

The commitment from leadership and Executive Command and the investment, despite many and multiple competing priorities, is significant. And that has been maintained, and in fact we have started to have the conversation regarding the post three-year period and there is absolute commitment from the Chief Commissioner and focus on consolidating and building on this work. We understand we are on a change journey and that we are not where we need to be, and also that it will take many years.

We heard from some participants who expressed concerns to the Commission that the focus on gender equality will lose momentum when the review ends and that it may get lost among the organisation's significant workload and vast range of initiatives.

I'm concerned that a lot of impetus will be lost. I don't see anything in governance arrangements that has set up the way forward once the work of the VEOHRC Review Implementation Steering Committee goes to [business-as-usual] ... There will still be people implementing things in a [business-as-usual] arrangement but who will want to go to someone and ask how they will do

things. There needs to be someone keeping an eye on it. I would strongly recommend that there is a group perhaps at executive level but definitely at a senior level, that keeps a watch on the continuing implementation of the VEOHRC Report's recommendations and projects ... I think it would be a variation of the VEOHRC Review Implementation Steering Committee that would be most suitable. I don't think it needs to be solely at the Commissioners' level as it should include key people who are working actively on projects.

That it just gets lost and it just bubbles along in amongst everything else. A challenge is that there is a dedicated team that drives this work currently and continues to drive it and bring issues up to Command and Executive Command, and there is value in that. With a dedicated team, you don't get distracted by everything else. Command members have lots of responsibilities in their portfolios, so I think that it would be easy to lose the drive that we currently have.

We looked for signs of Victoria Police's willingness to embed the reform agenda into its organisational structures and cultural business practices after the end of the review. And, as such, we welcome the organisation's commitment to securing and resourcing the path forward to achieve gender equality. We also welcome the organisation's plan to continue the steering committee's meetings throughout 2019, following the end of phase 3, a promising indication of transition momentum.

What measures are still needed?

While no further steps are needed to implement this aspect of Recommendation 2, the Commission encourages Victoria Police to be mindful that it will no longer have the impetus of external oversight to drive reform. In line with the organisation's current plans, the Commission calls on Victoria Police to follow through on its commitment to establish a dedicated, ongoing office to drive gender equality across the organisation at the end of phase 3 (see Recommendation 2 in Chapter 10).

5.2.2 MAXIMISING EXTERNAL EXPERTISE

What we found in 2015

The projects arising from the Commission's recommendations spanned a breadth of subject areas and covered various organisational functions in Victoria Police. The Commission was concerned at that time that Victoria Police lacked the expertise in areas such as gender equality, workplace harm and redress and restorative engagement to implement our recommendations effectively.

In Recommendation 2, we urged Victoria Police to establish advisory structures to ensure that projects to implement the recommendations would be informed by relevant expertise.

What we found in 2017

In 2017, the Commission found that Victoria Police had reconfigured existing structures and set up new, dedicated advisory structures to bring key expertise to its implementation projects (see Table 17).

Table 17 – Advisory structures established or recalibrated by Victoria Police

Corporate Advisory Group	A pre-existing panel of internal and external members that provides corporate strategy advice to Victoria Police
Academic Governance Board	A panel of internal members and external experts with knowledge of gender, sex discrimination and sexual harassment that governs Victoria Police’s training and education programs
Independent Advisory Board (now Independent Advisory Group)	A panel of internal members and external experts with knowledge of equal opportunity, bullying, victimisation, violence against women, discrimination and restorative intervention that helps Victoria Police to develop a workplace harm model, including a dedicated workplace harm unit and a redress and restorative engagement program

By phase 2, Victoria Police had adapted the pre-existing Corporate Advisory Group by appointing two new members with specific skills in sex discrimination, sexual harassment and gender equality to guide the implementation of the review recommendations. The Commission found that the group had provided strategic advice to the Chief Commissioner on issues related to the review, through its quarterly strategy meetings. We noted, however, that the infrequency of meetings and broad remit over Victoria Police’s corporate strategy meant that the group’s ability to drive review reforms was limited.

We also found that the Academic Governance Board and the Independent Advisory Group had met often and provided valuable assistance to the project work relating to the redress and restorative engagement scheme, the workplace harm model and the training of employees and recruits (see chapters 7 and 8). We observed, however, that both bodies had limited insight into the broader reform work and limited knowledge of how Victoria Police was applying their expert advice.

We therefore encouraged Victoria Police to:

- establish greater linkages between the Academic Governance Board and the VEOHRC Review Response Partnerships and Innovation unit
- establish clearer reporting lines to keep the board and the Independent Advisory Group informed of how their advice was feeding into reform projects
- make plans to sustain both bodies and extend their terms beyond the conclusion of the review, to ensure their continued expertise in reform work.

Progress in achieving change

Corporate Advisory Group

In phase 3, the Commission found that Victoria Police had convened a sub-committee of the Corporate Advisory Group – the VEOHRC Implementation Advisory Sub-Group. This sub-committee met for the first time in August 2018 and is scheduled to meet two times per year to review the overall program of work to implement the Commission’s recommendations and advise Victoria Police in embedding the reform work.

Greater links between the Academic Governance Board and the VEOHRC Review Response Partnerships and Innovation unit

The Commission also saw strengthened links between the board and the VEOHRC Review Response Partnerships and Innovation unit. We observed these links both in practice and its revised membership.

For example:

- Victoria Police has continued to seek regular advice from the board
- the Assistant Commissioner of the VEOHRC Review Response Partnerships and Innovation unit sits on the board and attends meetings to facilitate dialogue between the board and the VEOHRC Review Response Partnerships and Innovation unit
- staff from the VEOHRC Review Response Partnerships and Innovation unit attend meetings as guests to provide the board with information and clarity on items presented to the board.

Updating the advisory structures on how their advice is informing reform initiatives

Since phase 2, Victoria Police has taken some steps to ensure the advisory structures are kept abreast of how their advice is informing reform initiatives. For example:

- the VEOHRC Response Implementation Steering Committee now receives the minutes of meetings of the Academic Governance Board
- board meetings are attended by reform project leads, so that they can hear the board's advice directly and consider it when implementing the reforms
- members of the Academic Governance Board were provided with '360 briefing papers' to inform members about actions taken in response to their advice
- members of the board and advisory group received feedback about how their advice is informing initiatives through informal avenues, such as meeting briefings, being shown reports evaluating work programs and attending events related to initiatives on which they had provided advice.

Advisory structures post-review

Victoria Police has indicated that it intends to keep the Academic Governance Board and the Independent Advisory Group in place until the end of the review. However, it is currently unclear whether the organisation intends to extend the terms of these bodies beyond the review period.

Victoria Police has also indicated that it will continue to convene the Corporate Advisory Group's VEOHRC Implementation Advisory Sub-Group, which, as noted above, will meet twice-yearly.

Impact of reform

To achieve gender equality, the Commission has consistently emphasised that Victoria Police needs to ensure its reform projects benefit from best-practice expertise in areas such as gender equality, sex discrimination, sexual harassment and workplace harm. Victoria Police's actions since phase 1 in recalibrating existing advisory structures and establishing new ones with relevant external expertise demonstrates a promising commitment to ongoing, informed decision-making in its reform work. The Commission commends Victoria Police for establishing, embedding and consistently using these avenues. To make the most of these avenues, ongoing feedback to those giving advice about its implementation on the ground and the utility of that advice is equally important.

While Victoria Police has regularly drawn upon the expertise of both the Independent Advisory Group and the Academic Governance Board, this did not always result in a dedicated feedback loop that saw them regularly informed of how Victoria Police had implemented their advice. The Commission is pleased that the board has received briefing papers providing feedback on their advice, although we understand that feedback has not yet been received in respect of projects and training still to be deployed. We also found that both bodies' oversight over the reform work was discretely focused on specific projects, in that they were not always given broader oversight over the wider program of reform work and how that work fits within Victoria Police's overall strategy.

I suppose though it does suffer from the fact that the Academic Governance Board does not have a visibility around the larger strategy. It doesn't have the larger overview and there are gaps [...] They don't have a strategic oversight on how things are progressing. They can only be as strategic as they can with the information they have. If they don't have that information, they can't be strategic. Maybe it would have been better to have sub-committees within the Board that could then have connections to the higher picture. That would enable them to have the larger sight of the project.

What measures are still needed?

In line with Recommendation 2, Victoria Police established the advisory structures described above to help the organisation deliver the phase 1 recommendations. The Commission encourages Victoria Police to embed the regular use of external expertise in its reform work. Consistent with Victoria Police's current plan to establish a standalone office to drive gender equality reforms, the Commission urges Victoria Police to ensure the organisation draws on gender equality experts with knowledge of organisational reform (see Recommendation 3 in Chapter 10). This might involve extending the terms of the existing advisory structures as well as ensuring any new office or initiative also involves relevant internal and external expertise.

Based on the findings outlined above, the Commission concludes that Victoria Police has implemented Recommendation 2.

RECOMMENDATION 2

Establishing governance structures and independent advisory structures

Implemented

5.3 Developing a gender equality strategy and evaluation framework

In Recommendation 3, the Commission urged Victoria Police to drive the reforms through a gender equality strategy, data collection and local strategies. Our view was that the strategy should encompass:

- a vision to achieve gender equality through clear programs of work
- monitoring and benchmarking
- a plan to elevate women's voices and engage employees in the change journey.

Prior to the review, Victoria Police's approach to workplace harm had largely been focused on reactive and interventionist measures. Recommendation 3 sought to shift this towards a more preventative approach of fostering an overall safe and inclusive organisational culture, consistent with the organisation's legal obligations, particularly the positive duty in the Equal Opportunity Act (see Chapter 3).

Section 5.3 analyses the extent to which Victoria Police has implemented the intent of Recommendation 3.

5.3.1 EMBEDDING A GENDER EQUALITY STRATEGY

What we found in 2015

In 2015, the Commission found that Victoria Police had an Equal Opportunity Policy and a Diversity Action Plan in place, but that both documents lacked practical guidance and the action plan lacked governance and accountability mechanisms. We found that the organisation lacked a strategic focus on gender equality.

Recommendation 3 called on Victoria Police to develop and embed a gender equality strategy to underpin the organisation's approach to:

- implementing the recommendations throughout Victoria Police
- monitoring and evaluating the progress and efficacy of those initiatives.

The strategy would also help to engage employees and draw links between gender equality and safe and respectful workplaces. Our view was that an overarching gender equality strategy could form a strong basis for localised gender equality initiatives across the organisation.

What we found in 2017

In June 2017, Victoria Police launched its *Gender Equality Strategy and Action Plan 2017–2020*, also known as the GESAP. The Commission welcomed the GESAP, which:

- sets out a whole-of-organisation gender equality vision statement
- commits Victoria Police to building a more gender equal organisation, free from workplace harm
- maps the work being undertaken to implement the GESAP
- links the GESAP with Victoria Police's overall *Capability Plan 2016–2025*.

We noted that Victoria Police had begun to develop localised Command and Directorate work plans to delegate responsibility under the GESAP and empower work areas across the organisation to take up local strategies. At the time, these work plans had not been uniformly rolled out, but we commended several work areas for taking the initiative of developing their own ad hoc plans outlining gender equality initiatives.

The Commission urged Victoria Police to keep developing the GESAP to clarify the change the organisation wanted to achieve in the next three years and how it intended to track progress. We also called on the organisation to keep developing the work plans to ensure that they clearly linked to the GESAP and outlined accountability measures for the quality and progress of the work.

Progress in achieving change

Since 2017, Victoria Police has taken some steps to embed the GESAP.

Development of draft communications brief to guide messaging

In May 2018, Victoria Police's Human Resource Department approved a draft communications brief that set out key messaging, included a plain English rationale for gender equality, and sought to help in increasing internal communications about women. In the brief, the department suggested that Victoria Police should promote awareness of the GESAP by embedding key messages in local initiatives, rather than through a dedicated communications strategy. The brief also notes that communications about women are one of the most sensitive topics in communications relating to GESAP.

GESAP annual report card

In June 2018, Victoria Police produced its first draft 'GESAP annual report card', listing updates on the organisation's progress on projects under key GESAP topic areas, including safety and freedom from workplace harm, leadership empowerment and cultural change, flexibility, recruitment and attrition. In addition, the report card provided a high-level overview showing that one GESAP project had been completed, 23 projects were on track for completion, three were encountering minor problems and four had not yet begun.

Victoria Police developed a draft communications brief to accompany the report card and guide internal communications to promote the organisation's progress and achievements during the first year of the GESAP to employees.

Directive to implement standardised Local Diversity and Inclusion Action Plans

In mid-2018, Victoria Police introduced standardised Local Diversity and Inclusion Action Plans (action plans). Guidance for the action plans includes a standardised template and stipulates that they are a key deliverable under the GESAP. However, instead of focusing only on gender equality, the standardised action plans include other priority diversity and inclusion areas in a singular action plan, in line with the Diversity and Inclusion Framework. The Commission understands that this consolidation was motivated by the multiple action plans that divisions and regions report on.

Since the directive was issued, only a small handful of work areas have begun to develop draft action plans. Examples of early work on the action plans from Professional Standards Command, Southern Metro Region and Information Systems Security Command list what the local work area plans to do, the baseline (if any had been set), indicators, desired outcome and, in some cases, a responsible person.

Using data and reporting to embed the GESAP

Victoria Police has also taken steps to embed the GESAP through the more effective collection, analysis and reporting of gender equality data. These steps are discussed in Section 5.3.2 below.

Impact of reform

Current efforts to promote awareness of the GESAP have had only limited success.

We heard in interviews that some staff have a very limited awareness or understanding of the GESAP or the organisation's vision for gender equality reform generally.

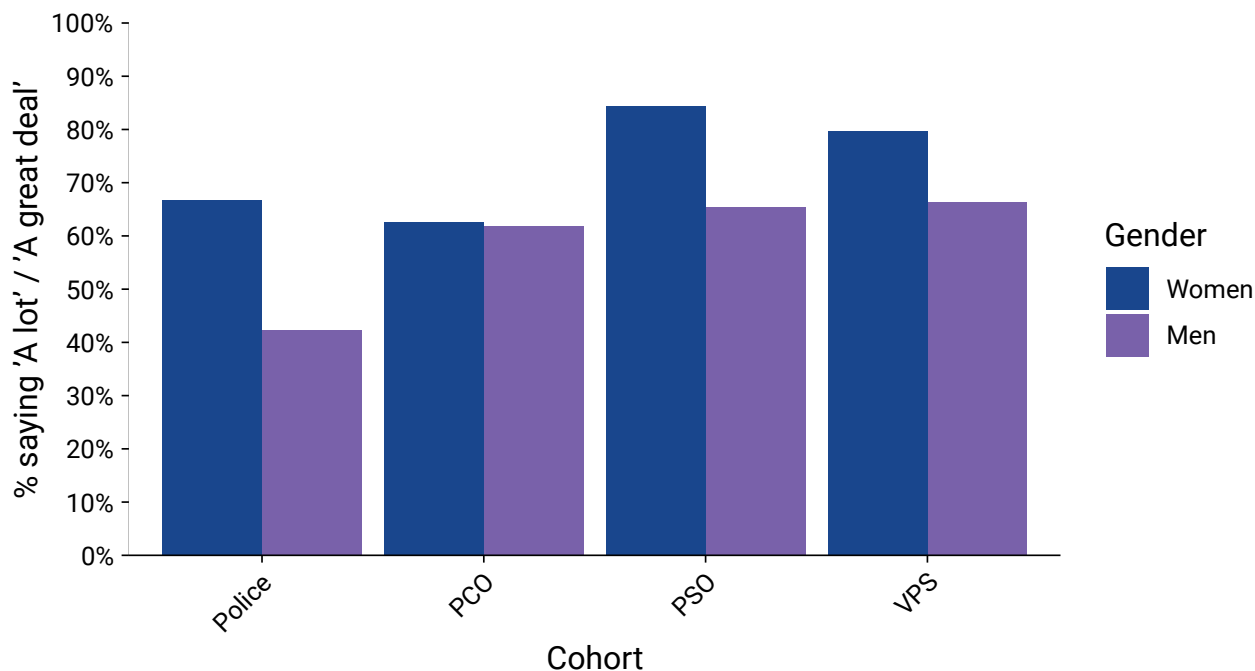
I think we had a real opportunity with the gender equality strategy to own it, to have an action plan, do all the work which will meet the recommendations and other work of our own as well. We released the gender equality strategy and then there was silence when it should have been the platform to say 'This is why we're doing this important work that we own' and it never happened and I think it was such a missed opportunity. Until the organisation takes responsibility for it, it's never going to have the meaning it should.

Others noted that instead of observing a nuanced understanding of the organisation's goals under the GESAP, many employees internalised simplistic messages arising from the review:

The two messages were: 'if you have a vagina, you'll be promoted' and 'if you're a male, you're a predator'. If you mention [the Commission's] report they are the two sentences you will constantly hear. Yes, there is predatory behaviour, but that's not what [the Commission's] report is about. [The messaging] missed flexibility and diversity; that was totally lost. Nothing about cultural change came through. A manager in another area dragged the men outside and said, 'don't buy coffees for the women' and dragged the women into the kitchen and said, 'have you experienced predatory behaviour?'

The results of the employee survey show that women were far more likely than men to believe that gender equality was a problem in need of reform in Victoria Police (see Figure 9).

Figure 9 – Employee survey responses regarding the need for Victoria Police’s gender reforms



The Commission’s strong view is that Victoria Police’s lack of focused commitment in promoting the GESAP and the conflating of gender equality and other diversity and inclusion in local strategies have had a negative impact on the implementation of the strategy. As discussed in Section 4.1, this is because generalised approaches to diversity and inclusion do not always adequately target the specific drivers of harm experienced by different groups of people, in this instance, the gendered drivers of harm that women typically experience more than men.

In the first instance, this broad approach has resulted in low levels of awareness of the GESAP and the programs of work under it. This has, in turn, resulted in a missed opportunity to mobilise work areas and employees in grassroots initiatives to progress the GESAP by addressing the specific needs of women.

The diversity and inclusion framework was a bit of a cop out. We have checked out of the gender conversation. Now the reality is that they will be year on year updates on a broad spectrum of diversity. And the efforts that the organisation has made in terms of gender will be lost into these areas of diversity, where we haven’t invested.

Given that Victoria Police only recently directed work areas to implement Local Diversity and Inclusion Action Plans and only a few areas have developed draft action plans, the Commission is limited in what we can say about the impact of those plans. However, we note the following preliminary concerns.

- Some draft action plans failed to identify specific actions and targets to implement the GESAP or achieve gender equality. The impact of not articulating GESAP specific targets means that those work areas won’t contribute to the overall progress of the GESAP at that local level. In turn, employees in those work areas are less likely to experience the benefits of local GESAP initiatives.
- Some draft action plans created generalised actions and outcomes applicable across all target groups, rather than identifying specific actions and outcomes that respond effectively to the distinct and diverse needs of each group. For instance, tackling gender inequality and violence against women requires actions targeted at the gendered drivers of the barriers and harmful

behaviours that women face.¹³ Some participants were critical of this broader approach and its negative impact on the progress of reforms:

I don't think there can be one group that looks at all issues of inclusion. There are too many outstanding issues from [the Commission's] report that need to be the focus of the work, for example women and promotions. The nirvana would be a completely inclusive workplace, but VicPol isn't there yet. So, I think that there still has to be a focus in terms of putting into place the recommendations as far as they can be and ensure there are people keeping an eye on that.

Out of that [GESAP] there were a whole range of subsequent recommendations and actions that we all have responsibility for and are expected to fulfil in my Command ... Interestingly enough, it came out of five organisational strategies. There is one for LGBTI, [Culturally and Linguistically Diverse], Indigenous and Disability. Part of that is probably the challenge, which is making sure that the intent of them doesn't get lost in a whole lot of actions that are required in isolation.

- It is unclear whether the work areas who have prepared draft action plans undertook a gender impact analysis to identify the specific actions needed to improve gender equality in those areas.
- Of the draft action plans provided to the Commission, a number contained broad actions and outcomes. Broad actions pose a challenge in tracking and measuring progress in local initiatives and their relevance to the overall progress of the GESAP. As one participant reflected:

I don't like some of the actions which are deliberately too broad to be useful in terms of measuring how we're going in the gender equality space.

What measures are still needed?

To achieve full implementation of this aspect of Recommendation 3, Victoria Police should keep a sustained focus on gender equality in developing local initiatives and monitoring and evaluating the progress of work under the GESAP. While the Commission welcomes a focus on other diversity and inclusion issues, we remind Victoria Police that an effective approach to delivering gender equality across the organisation requires a sustained and targeted focus on the gendered drivers of harm and the specific steps needed to implement equality. See Recommendation 5 in Chapter 10.

5.3.2 USING DATA AND REPORTING TO DRIVE GENDER EQUALITY

What we found in 2015

In 2015, the Commission found that Victoria Police did not have adequate data collection mechanisms or a clear baseline from which the organisation could track its progress. As a result, the organisation did not understand enough about the gender composition of its workforce and therefore could not develop an effective gender equality strategy with targets and goals.

Recommendation 3 called on Victoria Police to create a clear data baseline and a measurement framework with annual reporting. We also urged Victoria Police to expand the organisation's data collection beyond recording incidents of harm to include recruitment, flexibility, retention, advancement and promotion. We explained that this would enable the organisation to identify its desired state in relation to gender equality, formulate a strategy for achieving it and monitor and evaluate its progress.

What we found in 2017

In 2017, the Commission found that Victoria Police had:

- identified key performance metrics relating to gender equality to inform data collection and monitoring, in line with the GESAP
- set a data baseline across a range of key indicators

- developed a plan for a program of work to rectify data gaps
- created a Gender Equality Dashboard to make data and findings accessible to managers
- asked the Victorian Public Sector Commission to provide the organisation with the results of People Matter Survey responses, disaggregated by gender.

The Commission commended Victoria Police for taking these foundational steps in setting up data collection frameworks and identifying key metrics to measure its progress in implementing the GESAP. We encouraged the organisation to further these initial steps by analysing the data and using the learnings to further inform and refine its goals under the GESAP. We also urged Victoria Police to consider how best to share the findings regarding the organisation's progress in implementing the GESAP.

Progress in achieving change

Since 2017, Victoria Police has taken further steps to expand its data collection and reporting activities, including:

- completing the collection of baseline data
- tracking recruitment, promotion and uptake of flexible work for police members and VPS employees, and granting managers access to divisional and departmental data, through a Gender Equality Dashboard
- implementing benchmarking and reporting on comparative remuneration, including organisational breakdown by rank, gender and work area
- counting Executive Command and high-level VPS employees in its Gender Pay Gap Analysis
- introducing mechanisms to track gender composition at each rank, including transfers and promotions.

Victoria Police has also begun to report the findings of its data collection and reporting activities to key leaders and decision-makers and other staff. This includes through its first Gender Equality CompStat, held in February 2019.

About the Gender Equality CompStat

The term 'CompStat' refers to the comparison of statistics. The CompStat process enables Victoria Police to regularly evaluate its performance against strategic goals or performance targets. A common use of Compstat is evaluation of crime statistics.

The 2019 Gender Equality CompStat was a full-day forum attended by Command employees. Attendees were presented with a range of data collected in line with the GESAP that detailed the current state of gender equality in Victoria Police. The forum was interactive: it featured panels of police members and VPS leaders and an anonymous 'audience response system' with tablet devices on each table to enable attendees to ask and answer questions. Attendees were encouraged to interact and share their impressions of the data and hypotheses underpinning noticeable trends.

Impact of reform

The Commission commends Victoria Police for its considerable efforts to expand the organisation's data collection capacity, regularly communicate and engage staff in its findings about the state of gender equality and evaluate the data.

These efforts have resulted in a significant increase in the amount of data and information about gender equality available to the organisation. Where Victoria Police previously lacked insight into whether, for instance, women were over- or under-represented at certain ranks or in particular work areas, it now has this data and the resulting insights the data bring. The richness of this data has

the potential to transform how the organisation thinks about gender equality and has given Victoria Police a new depth of knowledge of the gender composition of its workforce. If used effectively to inform the development of new initiatives and continuously monitor and clarify goals under the GESAP by responding to issues of concern, the data could help make gender equality in Victoria Police by 2030 an achievable reality.

The impact of making this data available to employees through interfaces such as the Gender Equality Dashboard means that the workforce can then use that knowledge to inform dialogue around local issues affecting their work areas. As one participant put it:

We use workplace information to populate the [Gender Equality Dashboard], a visual dashboard, which shows the gender composition for both sworn and VPS, for promotions, professional development, higher duties. It is used in [CompStat] forums, where regions come together and talk through people issues and how they are presented.

Audience feedback at the Gender Equality CompStat showed that the attendees were engaging critically with the data. The Commission commends Victoria Police for providing an open forum for the organisation to present employees with data and the evidence base for gender equality initiatives and allowing employees to offer up their views for critical analysis. It will be important for Victoria Police to embed critical analysis of data into its reporting frameworks and use those learnings to further inform and progress the GESAP.

What measures are still needed?

For Victoria Police to fully implement this aspect of Recommendation 3, it should build on its foundational work to create a data collection and measurement framework by ensuring the organisation has analysis and evaluation systems in place to use that data to drive decision-making and initiatives to progress the GESAP. In line with these overarching principles, the Commission urges Victoria Police to focus on developing a centralised, robust framework to collect, analyse and report on data relating to gender equality and workplace harm that drives continuous improvement (see Recommendation 4 in Chapter 10).

To further strengthen the reporting frameworks and CompStat forum, future data reporting at the Gender Equality CompStat should include updates on divisional progress in local initiatives, such as the action plans discussed in Section 5.3.1.

5.3.3 ELEVATING WOMEN'S VOICES

What we found in 2015

In 2015, the Commission found that women in Victoria Police worked in a climate of gender-based hostility where sex discrimination and sexual harassment had been minimised through a culture of under-reporting harm and high tolerance for everyday sexism. Consequently, women's voices had been sidelined and women had adopted strategies to fit into the dominant, masculine culture, internalising expectations of how to conduct themselves.

In Recommendation 3, we encouraged Victoria Police to establish Women in Policing Local Committees to give women a voice to share their views and experiences with the organisation's leadership and foster peer support through formal networks.

What we found in 2017

In 2017, the Commission observed that Victoria Police had commenced the rollout of the committees. It had also set up the Women in Policing Advisory Group, to which all committees would regularly report their activities. The advisory group's role was to provide leadership, influence strategic direction in gender equality initiatives and act as a conduit between the committees and

Victoria Police's leadership.

We called on Victoria Police to:

- elevate the role of the advisory group in the organisation's overall reform work
- find ways to build relationships between the committees and the advisory group
- report on the committees through annual reporting on the GESAP.

Progress in achieving change

Since 2017, Victoria Police has continued to roll out the committees across the organisation. As at June 2018, 37 committees had been established, with a total of 300 members.

Each committee provides updates of current and planned activities, any issues and challenges and success stories to the Workforce Diversity and Inclusion Unit, which prepares a quarterly report to the advisory group. The chair of the advisory group is now included as a member of the VEOHRC Review Implementation Steering Committee (see Section 5.2.1).

The Workforce Diversity and Inclusion Unit has also introduced a dedicated gender equality online forum on the Victoria Police intranet to encourage interaction between the committees and the advisory group, including by sharing experiences and discussing issues and challenges and enabling committee members to ask questions of the advisory group.

In addition, Victoria Police has encouraged committee members to join the wider Victorian Government Innovation Network to access further professional development and networking opportunities.

In phase 3, the Commission heard of a range of initiatives undertaken by committees themselves, including networking and professional development events, local surveys on issues affecting pregnant employees and challenges in returning to work, creation of an award to recognise staff achievement and mentoring and upskilling programs for women in specific work units.

Impact of reform

The Commission considers the committees to be one of the key success stories of the review reforms. Throughout phase 3, we met with multiple committees and heard many positive reflections from participants, including stories of peer support and collegiality.

How do we stay on the course [progressing towards gender equality] and make sure the change is lasting? I know it remains a very strong message. We are looking at it through the Women in Policing Local Committee and it is an excellent vehicle to bring in some gender analysis training. To speak about the evidence base, to bring in a passionate energy to improve that space, that is something that I think the committees have the opportunity to do.

A strength of the committee is the support for women in regional areas who want to stay and pursue their careers in the region.

The committees are great – they can all work together and work as a group to make some positive change. We need to develop resilience, and I wonder how I got to that point, how did I develop that resilience? It's the training and the groups and the supports that have built that up.

The Commission is impressed by the broad range of self-initiated activities undertaken by the committees. Local mentoring programs and professional development events show that women are using the committees to build skills and networks, and support and encourage each other in seeking career opportunities within the organisation. To achieve gender equality, the organisation needs to understand the perspectives and experiences of its female employees and the barriers they face. These committee activities incrementally progress Victoria Police towards gender equality by allowing women to tell their stories and feed their perspectives up to leaders in the organisation.

The Commission particularly welcomes the appointment of the chair of the Women in Policing Advisory Group to the VEOHRC Review Implementation Steering Committee as a sign that women's perspectives, through the committees and the advisory group, are being fed directly up to leadership to inform the overall review reform strategy.

The Commission was, however, concerned to hear from participants who told us about experiencing backlash and negative comments from colleagues due to their participation in the committees. Some committee members, particularly those who work part-time, said their rostering sergeants were reluctant to allow them time to attend meetings and events, even though meetings are planned well in advance. The Commission also heard during interviews of the committees being referred to as the 'vagina club', 'knitting club' or 'man-bashing sessions'.

Women on the committee have heard things like 'oh you're going to that women's chat group' or 'that women's gossip group'. And that's a real put-down. It doesn't reflect the importance of improving things for women.

Concerningly, women told us that the impact of the comments resulted in reluctance to join their local committee and a fear of reprisal for attending meetings from their male colleagues. Some spoke of their preference not to be too 'in your face' regarding women's initiatives.

What measures are still needed?

To achieve full implementation of this aspect of Recommendation 3, Victoria Police should continue to ensure it supports Women in Policing Local Committees across the organisation. Victoria Police should also continue to provide ways for the committees to interact with the Women in Policing Advisory Group, encourage management to support women to attend meetings and provide time and resources to undertake activities. In carrying this work forward, the Commission urges Victoria Police to embed its current strategies to elevate women's voices and strengthen the strategic and advisory role of the Women in Policing Advisory Group in driving gender equality reform work (see Recommendation 3 in Chapter 10).

Based on the overall findings outlined above, the Commission concludes that Victoria Police has implemented Recommendation 3 to a significant extent. While making this finding, the Commission notes that Victoria Police has made significant progress in creating a robust data and reporting framework and elevating women's voices, but that further work is needed to embed the organisation's gender equality strategy.

RECOMMENDATION 3

Embedding a gender equality strategy, data collection and local strategies

Implemented to a significant extent

5.4 Promoting the case for change

Recommendation 4 urged Victoria Police to develop a comprehensive communications and engagement strategy, informed by organisational change principles. The Commission's view was that the phase 1 reforms had to be accompanied by consistent messaging at all levels of the organisation, articulating the value of gender equality and the rationale underpinning the need for organisational reform.

Section 5.4 analyses the extent to which Victoria Police has implemented the intent of Recommendation 4.

- Section 5.4.1 details the organisation's efforts to promote its vision for gender equality.
- Section 5.4.2 examines how Victoria Police has supported managers to lead change.
- Section 5.4.3 analyses how the organisation has sought to foster attitudinal change.

5.4.1 COMMUNICATING A VISION OF WORKPLACE GENDER EQUALITY

What we found in 2015

Employee engagement is a vital part of creating an organisational climate of readiness for change.¹⁴ Research suggests that effective communication – both the quality of the message and how it is communicated – is a critical part of ensuring employees are open to, and accepting of, change.¹⁵

In 2015, the Commission found that sex discrimination and sexual harassment in Victoria Police occurred against a backdrop of a sexist organisational culture that tolerated everyday sexism, where sexist attitudes and behaviours were minimised and trivialised.

In Recommendation 4, we urged the organisation to develop a comprehensive communications and employee engagement strategy to challenge this organisational culture and support momentum for the reform work. We noted that the strategy should set out a robust case for change, informed by organisational change principles, detailing the rationale for gender equality and encouraging all employees to take ownership in modelling and championing respectful behaviour. We cautioned that the messaging needed to be consistent and cohesive, emanate from the top of the organisation and encompass strategies to engage all employees.

What we found in 2017

Communications strategy

In 2017, the Commission found that Victoria Police had prepared an initial Communication and Engagement Strategy. We commended the work undertaken to develop the strategy, the useful breakdown of organisational change principles and the organisation's commitment to communicate the phase 1 findings and reforms.

However, we found that this early version of the strategy needed further work, as it did not include key messages or specific, actionable strategies to guide the program of organisational change. It also did not set out a strategic plan to increase employee understanding of Victoria Police's case for gender equality or an overarching narrative informed by the GESAP and the broader review reform work. In addition, we noted our concern regarding the lack of clarity about how Victoria Police intended to evaluate the ongoing effectiveness of the strategy.

We therefore called on Victoria Police to further develop and strengthen the strategy by articulating a compelling case for change that emphasised:

- the benefits of gender equality for capability and service delivery
- the links between gender equality and preventing workplace harm
- how everyday sexism and discrimination enable other forms of workplace harm.

Communication tactics

In 2017, the Commission found that Victoria Police had taken steps to develop promotional material to communicate the review reforms to staff. This included:

- videos, printed guides, intranet forums and a 'year in review' publication relating to the review recommendations and reforms
- posters and branded office materials relating to the Stand brand (see Section 5.4.3)
- articles in the *Victoria Police Gazette* and *Police Life* magazine
- targeted emails providing information on review reform initiatives.

Our guidance in relation to these communication tactics mirrored our feedback about the strategy overall. We emphasised that Victoria Police should develop the tactics by consistently drawing on

key messages stemming from an overarching case for organisational change that should also be articulated in the strategy. We also encouraged the organisation to consider ways to evaluate the effectiveness and reach of its messaging.

Further progress in achieving change

Communications strategy

After an internal review found the initial strategy to be ineffective, in February 2018, Victoria Police released a revised communications strategy – the VEOHRC Review Response 2018 Communications and Engagement Strategy.¹⁶

The revised strategy aims to deliver organisational change. It seeks to articulate a complete, positive story of an inclusive workplace, distilled into ‘Five Pillars’ that employees can relate to their direct work environment:

- achieving gender equality (described in the strategy as gender parity)
- preventing and addressing workplace harm
- removing barriers
- inclusiveness and diversity
- respect.

The new strategy adopts a broad focus on inclusiveness, respect and safety. The focus on gender equality has been diminished in favour of broad goals of diversity and inclusion.

The new strategy also uses terms such as gender equality and gender parity interchangeably, without distinguishing them.

Communication tactics

Since 2017, Victoria Police has produced a range of additional online and print communications, such as:

- social media posts, including a post about growing numbers of women in the Air Wing specialist unit
- posters and organisational statements about behavioural expectations, including calling out inappropriate behaviour
- a Stand brochure, providing an overview of the Women in Policing Local Committees and the Women in Policing Advisory Group and outlining expectations for employee behaviour and information about employee support
- posts on Victoria Police’s internal corporate news webpage about review reforms and the GESAP.

Case for change

Between phases 2 and 3, Victoria Police also began developing a draft case for change, which outlines the organisation’s rationale for achieving gender equality. The document includes numerous references to academic research and outlines the benefits gender equality will bring to the organisation and the community, including increased capability and credibility and reduction of harm against women.

Impact of reform

The steps taken so far by Victoria Police to implement the intent of this aspect of Recommendation 4 are still lacking. While the Commission recognises the significant work that the organisation put into developing its VEOHRC Review Response 2018 Communications and Engagement Strategy, we consider that the strategy still needs further development.

We are concerned that the strategy's description of Victoria Police's motivation or rationale for the proposed cultural shift and how the organisation intends to achieve its strategic messaging aims are not specific or evidence-based and do not draw sufficiently on gender equality expertise.

The new strategy goes some way to broadly articulating a case for change aligned with the five pillars that it outlines, but the brief rationale statements that underpin the pillars are not referenced to the best available evidence relating to gender equality or the importance of careful framing and education about gender equality in minimising backlash to change.¹⁷ The impact of having a broad communications strategy without a sufficiently robust, evidence-based case for change underpinning it is set out below.

In its current state, the strategy cannot be drawn upon to produce quality, persuasive communications outputs that promote the organisation's vision for gender equality or the work it is doing to implement the GESAP.

I am not sure that [the messaging] is coming out really strongly.

When the strategy is drawn upon to produce communications or promotional material, those outputs have in some instances reduced complex themes to simplistic messages, such as a poster stating that 'inappropriate behaviour is never acceptable' accompanied by a graphic of a male and female figure appearing to shout at one another.

Communications may therefore be received poorly by employees. Ineffective communications in turn mean that employees may not have a good understanding of the reasons for the gender equality reforms and the organisation's vision for gender equality. Those in the organisation who fear change or aren't on board with gender equality reforms are not persuaded by simplistic communications that fail to create a compelling case which might prompt them to shift their mindset.

There is a comms plan. It's really hard from where I sit to get a sense of what that communication is like at the front lines. I sometimes test that with people where I can ... it's not reaching that front line in some places. I would say it hasn't reached below senior sergeant level in some places.

Materials such as these would be greatly strengthened by pinpointing what constitutes inappropriate or problematic behaviour or acknowledging that men are overwhelmingly the perpetrators of such behaviour.

If reforms are introduced without a strategic messaging plan to bring people on board, particularly those who feel they have something to lose from structural changes, employees may feel as though they are being targeted, missing out on opportunities, experiencing 'reverse sexism' or discriminated against in favour of women.

The issue being raised by men about gender equality and diversity and inclusion, is that they are the only category that isn't 'represented'.

One of the messages being used in Victoria Police is the '50/50, if not, why not?' I think this has not worked well and perhaps contributed to resistance. I suspect it could be being received as 'the bosses have all been directed they must give 50 per cent of promotions to women, so that's why she got the job'. It could in fact be undermining the legitimacy of those women who have been promoted on merit. It needs a bit more nuance.

Comments like, 'but what about the men?' I think all of this is reflective of the broader community's attitudes. Men take offence to it [the gender focus], even if they don't behave in that way ... I don't understand why good men get offended when we say most rapists are men, but not all men are rapists. In Victoria Police the offence taken seems to be magnified. It is one of the boys' culture things.

How gender equality initiatives are framed and communicated is critical for minimising backlash.¹⁸ The current prevalence of backlash and resistance to gender equality messaging in Victoria Police suggests the messaging strategy needs re-framing. Responding to backlash against, and resistance

to, a case to achieve gender equality by abandoning the topic of gender equality in favour of broader diversity and inclusion messaging damages reform efforts. It suggests to employees that gender equality reform is not required; that there are not gender-specific barriers that women face or gendered discrimination that needs to be overcome.¹⁹ In short, a broad strategy without a focus on gender fails to shed light on the drivers of, and problems caused by, gender inequality.

It has been suggested to me time and again that we should avoid getting people riled up by talking about gender and instead talk about diversity and inclusion. This is seen by some as the best way to go because it is the path of least resistance. I have to say, in my change management experience, unless you are creating discomfort and challenge, unless you are asking people where their leadership is on addressing gender inequality, you will not challenge people to change and we will fail to gain ground on this.

So, there are really differing views internally about how to make the case for change. So for some people, their view is that we should be inclusive for everyone and for us to focus on gender is not appropriate. For other people, the counter point of view is that absolutely we will get there to inclusion for everyone in the workplace but we need to step, to take logical and reasoned steps to get there. And one way for us to do that is first to approach the largest group that is discriminated against in the workplace. That is how I see women in Victoria Police and that's you know, I think that other view is there is a time and place for that. But we haven't had the conversation around gender yet. There is this gulf in the middle and people are creating their own narrative and we haven't been able to control the message because we haven't given them the message.

What measures are still needed?

The Commission recognises that Victoria Police has made efforts to broaden and strengthen how it communicates the organisation's vision for gender equality. However, to implement Recommendation 4 fully, significant further work is needed to ensure the organisation's communications and engagement strategy is evidence-based, informed by gender equality and organisational change principles and women's perspectives, and the case for change is finalised (see Recommendation 5 in Chapter 10).

5.4.2 SUPPORTING MANAGERS TO LEAD CHANGE

What we found in 2015

In 2015, the Commission found evidence of a sexist organisational climate and a high tolerance for inappropriate behaviour that perpetuated an unsafe workplace culture. Recommendation 4 encouraged Victoria Police to shift its organisational culture from one that tolerated and minimised harmful workplace behaviour, to one of taking ownership in fostering respectful behaviour and attitudes.

While change messages need to emanate from the highest levels of the organisation, managers are the mid-level leaders on the ground with direct control over local work areas.²⁰ This includes rostering and decision-making that determines the work environment in which employees operate. Particularly in a hierarchical police context, people managers are often best placed to communicate change messages and see them implemented at grassroots level.²¹ They are key influencers and need to be equipped with the skills and support to authentically engage with employees on the ground.²²

What we found in 2017

In 2017, the Commission commended Victoria Police for using a range of strategies to support managers and leaders to drive local change, including:

- a Supervisor Toolkit, which provides tools and assistance
- the Stand Practice Leaders Network, a peer-to-peer mentoring network for motivated mid-rank supervisors centred around the Stand brand championing safe, respectful and inclusive workplaces
- a communications brief prepared for station leaders to help them talk to staff about the review reforms at 'readouts' (that is, short station meetings used to re-group and hand over between shift changes at police stations)
- an 'authentic storytelling' workshop for Command leaders to encourage reflection, humility and candour in communicating the change journey and taking responsibility for past behaviours.

We commended Victoria Police for the Stand Practice Leaders Network that emerged as a critical way to harness local leadership and build local momentum for the reform agenda. However, we noted that there appeared to be confusion among employees generally about the meaning of the Stand brand – many employees thought it related only to decreasing workplace harm, instead of a positive vision of a safe and respectful workplace for all.

The Commission encouraged Victoria Police to continue the rollout of the network and articulate a broader vision for a positive working environment, consistent with the GESAP, the Stand brand and the Supervisor Toolkit. We also advised the organisation to look at ways to engage and upskill people enthusiastic about the review reforms but who were not already part of the network.

Progress in achieving change

Victoria Police has since continued the rollout of the Stand Practice Leaders Network. Stand Practice Leaders are also now supported with online resources, an online forum, email contacts for peer support and regular 're-connect days', where leaders come back together for networking and further learning.

In December 2017, Victoria Police held a two-day workshop for Stand Practice Leaders, where participants undertook workshops relating to leadership, gender equality, being a 'witness', progress of the review reforms and the GESAP.

Victoria Police has also undertaken further work to upskill managers and senior leaders in having difficult conversations, including:

- workshops and a guide for conducting 'leader-led conversations', where participants are taught about constructive ways to have challenging conversations with colleagues about behavioural expectations
- an evaluation of the authentic storytelling workshops, with an intention to transition the training to form part of general leadership training for all leaders.

Impact of reform

In an organisation as large as Victoria Police, the importance of empowering managers to lead change cannot be understated. The VEOHRC Review Response 2018 Communications and Engagement Strategy rightly recognises leaders and managers as key voices in delivering messaging. To that end, the Commission considers the ongoing support of the Stand Practice Leaders Network a critical way of leveraging motivated employees to drive change.

The Commission is pleased that attendee feedback from the Stand Practice Leader Network workshops was resoundingly positive; participants found the workshops inspiring, they had prompted them to reflect on their own behaviours, exposed them to new ideas and provided them with take-home tools to apply in their workplaces.

[The workshop] reiterated to me the critical role I have as a workplace manager.

Thought provoking, got me thinking of how I've reacted previously and might do in the future.

Gave me a greater understanding of the [GESAP] and how to apply it in my workplace.

The workshop allows people to self-reflect on their own leadership style and behaviours and to leave with an action plan for a way forward in respect of advocating and supporting change.

Driving change at the local level means giving managers the practical tools to respond constructively to behaviour that may be subtle, such as everyday sexism, but which can have a profound impact on women's experiences in the workplace.²³

I know there's a focus on senior leaders having conversations with their teams but I think there's a capability gap. I think they're willing to have the conversations but don't know how to have them. If they were told how they would do it, but they don't have the knowledge right now. I don't know what's being done to build capabilities around this.

The Commission commends Victoria Police for the useful content of the leader-led conversations guide, as it gives managers tools to call out harmful behaviour and, in doing so, supports employees to take ownership of fostering safe and respectful work environments.

The backlash might actually be a positive thing – it means the status quo has been challenged. We've got to hear it, see it, understand it and have the conversation with people. How well have we equipped people in the organisation to have those conversations? One of the biggest challenges is to equip people with the right information and skills to have those conversations.

We also commend Victoria Police on its intention to incorporate the authentic storytelling into its leadership development programs generally. As discussed in Section 5.1.1, employee distrust and cynicism towards senior leadership is still an issue confronting Victoria Police as an organisation. Creating spaces for leaders to learn leadership skills around humility and reflection and giving them the conversational tools to admit to employees that they don't have all the answers and that people can take responsibility for and learn from mistakes will be critical in driving cultural change.

What measures are still needed?

Victoria Police should continue to target middle managers in supporting the organisation's reform journey. Victoria Police needs to find ways of motivating managers across the board, not just the enthusiastic members of the Stand Practice Leaders Network. In doing this, Victoria Police should be conscious of selecting and promoting its leaders at all levels of the organisation based on their ability to create and maintain safe and respectful work environments. See Recommendation 11 in Chapter 10.

5.4.3 UNDERSTANDING ATTITUDINAL CHANGE IN THE WORKFORCE

What we found in 2015

As noted in sections 5.4.1 and 5.4.2, in 2015 the Commission recognised that the hypermasculine organisational culture of Victoria Police presented obstacles to implementing the phase 1 recommendations. Communicating a new vision for the workforce and bringing such a large organisation along a change journey would require fostering attitudinal change.

In Recommendation 4, we called on Victoria Police to develop an employee engagement strategy informed by organisational change principles, including fostering attitudinal change.

What we found in 2017

In 2017, we found that Victoria Police had undertaken significant work to communicate the review reforms by engaging with employees through various strategies. Despite this, sexist attitudes and

backlash to reform initiatives persisted. We heard that the messaging aimed at explaining the importance of the broad reforms taking place to address gender inequality had struggled to gain traction across many parts of the organisation, which had resulted in varying levels of engagement and employee buy-in to the change journey.

The Commission encouraged Victoria Police to review the effectiveness of the organisation's communications strategy, as well as the Stand brand (see Section 5.4.2). We also urged the organisation to proceed with planned research to measure attitudinal change in the workforce, stressing the importance of settling a clear baseline for assessments and using the learnings to inform further communication tactics.

Progress in achieving change

Unlike the previous communications strategy reviewed in 2017, the VEOHRC Review Response 2018 Communications and Engagement Strategy, discussed in Section 5.4.1, now includes a section dedicated to 'measurement of the communication arm'. It sets out a range of methods that Victoria Police plans to use to measure and ascertain employee awareness, understanding and application of the messaging, including 'mystery shopper' calls and direct forum feedback, although no further information is set out regarding what the measurement methods involve or when they will be implemented.

The 2018 strategy stipulates that Victoria Police will continue to use measuring tools, such as intranet page hits, gazette readership statistics, video production logins and employee research, including focus groups.

In August 2018 and January 2019, Victoria Police commissioned two separate reports from external consultants who conducted research on behalf of the organisation into attitudinal change in its workforce.²⁴ In summary, the two reports find that some Victoria Police employees are supportive of the review reforms, while others are resistant to gender equality initiatives and do not understand the rationale for them.

The VEOHRC Review Implementation Steering Committee received and considered the results of each report.²⁵

Impact of reform

The Commission acknowledges the steps that Victoria Police has taken to understand employee views of communications and messaging, and we commend the organisation's investment in engaging in this ongoing evaluation process. However, we are concerned that the effectiveness of the two reports in measuring attitudinal change has been limited by the underpinning research methodology as the survey respondents were not representative of Victoria Police employees. We suggest that Victoria Police should exercise caution in drawing conclusions about widespread employee views based on the surveys.

Furthermore, the overall impact of research to date has been to furnish Victoria Police with information it has already known regarding mixed employee perceptions of the review reforms and mixed understanding of the organisation's case for change.

It is also unclear whether the proposed ongoing methods to measure employee awareness and understanding listed in the 2018 communications and engagement strategy have resulted in insights into employee attitudes or evaluation of communications. For instance, intranet page hits, gazette readership statistics and video production logins may provide the organisation with data about employee access to those platforms, but not meaningful insights into employee perceptions or understanding of those communications.

What measures are still needed?

To achieve full implementation of this aspect of Recommendation 4, Victoria Police needs to further develop and enhance its mechanisms to systematically monitor and evaluate the effectiveness of its messaging. In line with this, the Commission urges Victoria Police to commit to regularly evaluating and continuously improving its communications and engagement strategy and ensuring the organisation's case for change is understood across all workplaces (see Recommendation 5 in Chapter 10).

Based on the findings outlined above, the Commission concludes that Victoria Police has implemented Recommendation 4 to a moderate extent.

RECOMMENDATION 4

Developing a comprehensive communications and engagement strategy

Implemented to a moderate extent

5.5 Creating a robust policy framework

Recommendation 5 urged Victoria Police to review and update all relevant policies and guidelines so they comply with the Equal Opportunity Act (see Chapter 3) and provide clear guidance to managers on how to respond to workplace harm and build a gender equal workplace. This recommendation encouraged Victoria Police to align its organisational policies and procedures with its modern vision for a gender equal organisation.

Section 5.5 analyses the extent to which Victoria Police has implemented the intent of Recommendation 5.

- Section 5.5.1 focuses on the process of modernising Victoria Police's policies.
- Section 5.5.2 outlines the organisation's efforts to help employees put those policies into practice.

5.5.1 MODERNISING ORGANISATIONAL POLICIES

What we found in 2015

In 2015, the Commission found that many of Victoria Police's policies were based on outdated legislation, regulations and guidelines. We also found that many policies contained inaccurate, unclear and contradictory information.

Recommendation 5 urged Victoria Police to review and update the organisation's policies. Our early guidance stipulated that the organisation's overall policy reform work should focus on meeting organisational operating requirements, legal obligations, the external environment and modern values of an organisation that has a goal of achieving gender equality.

What we found in 2017

In 2017, the Commission noted that the VEOHRC Implementation Steering Committee had tasked the (then) Corporate Strategy and Operational Improvement Department with managing the organisation's policy review.

We found that Victoria Police had embarked on a broad-ranging policy review project and developed a Policy Review Project Methodology to ensure the principles of 'equity and gender equality' are embedded in organisational policies and procedures. Part of this included the creation of an Equity and Diversity Matrix to guide the policy reviewer to analyse the policy content through an 'equity and diversity lens'.

Victoria Police also informed the Commission that the organisation was preparing a Gender Impact Assessment Tool to guide policy development and review going forward.

Some specific work arising from the policy review project is discussed in Section 5.5.2. However, at the time of phase 2, the project spanned 73 policy chapters of the Victoria Police Manual (26 completed, 44 underway and 3 not commenced), which focused on:

- compliance with legal obligations under the Equal Opportunity Act
- aligning policies with the principles of gender equality
- supporting other areas of the organisation in relation to policy development and legislative reform stemming from other review response projects.

The policy review project scope noted that some policies would be reviewed by the Capability Department, and others separately by the Human Resource Department and the Professional Standards Command. This was because the subject matter of those policies related to recommendation implementation projects sitting with the subject area expertise of those departments.

In providing further guidance to facilitate this reform work into phase 3, the Commission suggested that Victoria Police:

- continue to align its policies with the GESAP and other capability priorities
- make interim updates to policies if there is a delay in fully updating policies because the progress of those review projects sits across multiple departments
- review its policies to ensure they are effective and aligned with the organisation's values and obligations under the Equal Opportunity Act.

Progress in achieving change

Since phase 2, Victoria Police has developed a Gender Impact Assessment Tool to help in aligning policies with the intent and principles of the GESAP, but the tool remains in draft form. The tool has not yet been approved for use or deployed.

Victoria Police has indicated that it does not have plans to proactively review existing policies to ensure they are aligned with the GESAP. However, the Commission understands that the organisation has a cyclical practice of reviewing organisational policies according to priority and subject to other competing work pressures.

Since phase 2, Victoria Police has either consolidated, or is consolidating, a number of different policies on similar issues into umbrella policies, thereby reducing the number of policies and making them easier for staff to navigate. For example, the topic of 'leave' currently comprises 20 separate policy/procedure documents. After Victoria Police reviews these policies, they will be consolidated into one document. For the purposes of the policy review work plan, it is counted as one piece of work.

In addition, Victoria Police has continued to update its policies as part of implementing other recommendations from phase 1.

In recognition that the most significant policy review work sits in the Human Resource Department portfolio, a resource has been reallocated from the Capability Department to the Human Resource Department, to help deliver the outstanding police review projects.

It's a huge body of work. There were 20 leave policies to be consolidated into one and then looked at through a gender lens.

Impact of reform

As discussed in Section 5.2.1, the Commission understands that Victoria Police commenced 21 separate review recommendation implementation projects stemming from the phase 1 recommendations. We also recognise that many of these projects called for structural and cultural changes that require amendments to operating policies so that reforms can be implemented. We understand that Victoria Police is a vast organisation with competing operational demands and that widespread changes will take time, and systematically reviewing systems and policies is a large-scale project.

The Commission is pleased that Victoria Police has provided additional support to the policy review work in the Human Resource Department and hopes that this will mean policy review projects can progress sooner.

It is unclear whether Victoria Police is still using the Equity and Diversity Matrix, or when the Gender Impact Assessment Tool will be operational and exactly how it will be applied. The Commission would welcome the tool being used in the future development of new policies, or a systematic review of existing policies to ensure they are aligned with the GESAP. The impact of having such a tool in place would, in time, ensure that Victoria Police continues along the path towards achieving gender equality by 2030.

The Commission commends Victoria Police for implementing the Workplace Flexibility Policy, Family Violence Leave Policy and Parental Backfill Scheme Policy, and understands that some employees are already experiencing some benefits from those new initiatives (see Chapter 6).

What measures are still needed?

The Commission acknowledges the work undertaken thus far and encourages Victoria Police to continue its work to ensure all policies are updated and new policies developed to reflect its goals under the GESAP.

5.5.2 SUPPORTING EMPLOYEES TO IMPLEMENT POLICIES IN PRACTICE

What we found in 2015

In 2015, the Commission identified that Victoria Police had policies and guidelines containing contradictory information, making them confusing for employees to operationalise. We found that the organisation was particularly lacking in practical guidance for victim-centric approaches to sex discrimination and sexual harassment.

In Recommendation 5 we urged Victoria Police to develop practical guidance to help employees to put new and updated policies into practice.

What we found in 2017

In 2017, the Commission found that as part of the policy review project, discussed in Section 5.5.1, Victoria Police had taken a number of steps, including:

- amending the workplace standards and management policy chapter
- conducting extensive consultations to inform the development of a new conflict of interest policy
- amending the complaints and discipline policy chapter regarding the process for responding to complaints against executive personnel
- amending the workplace flexibility policy chapter
- creating a family violence leave policy.

However, the Commission was concerned that Victoria Police did not have interpretational guidance for employees regarding their obligations under protected disclosure legislation.

The Commission encouraged Victoria Police to:

- ensure significant policy changes are supported by clear communications and training
- provide practical guidance for managers and supervisors in responding to complaints of sex discrimination and sexual harassment
- give clear guidance to managers for the new structured handover process, taking into account new and updated policies on topics such as flexible work arrangements
- ensure employees have clear guidance to understand their protected disclosure obligations and responsibilities relating to conflicts of interest.

Progress in achieving change

Since 2017, Victoria Police has continued work to help ensure employees are aware of policy changes and can put them into practice in the work environment.

Clear communications to employees regarding policy changes

As Victoria Police revises and updates organisational policies, it is communicating those changes to employees in a variety of ways, including through posts on the organisation's intranet, notes in e-bulletins, articles in the *Victoria Police Gazette* and direct emails to responsible employees. Policy changes and updates are also reflected in workplace training undertaken by employees.

Helping managers and supervisors respond to workplace harm

Victoria Police has developed a draft workplace complaint resolution procedure to guide managers and supervisors in responding to complaints of sex discrimination, sexual harassment and predatory behaviour. Notably, the procedure includes several resolution options depending on the preference of the complainant and seriousness of the allegations and identifies relevant factors for the manager to take into account. This is discussed further in Chapter 8.

Clear guidance for managers for the new structured handover process

In the context of handover processes for managers, Victoria Police has developed a template handover document with a checklist that requires managers to consider any flexible work arrangements, leave, staying-in-touch arrangements for those on parental leave, welfare issues, and if there are any active complaints of workplace harm. The handover process also outlines guidance relating to the management of confidential and sensitive information.

We understand that Victoria Police has a draft policy on conflicts of interest in development, but that it does not have practical guidance to accompany it at this stage.

Guidance for Victoria Police employees in understanding their mandatory reporting obligations is discussed in detail in Chapter 8.

Impact of reform

The Commission acknowledges that policy change can take time, particularly in an organisation as large and with as many competing operational demands as Victoria Police. We acknowledge the work undertaken thus far to progress the organisation's reform work and undertake the large-scale policy review needed to reflect its vision for gender equality. The Commission is pleased to know that Victoria Police has a variety of methods to ensure that any updates and new developments are clearly communicated to employees. We also acknowledge the progress in reflecting policy updates in practical guidance tools, such as templates and checklists for employees to put into practice.

For instance, in the context of workplace harm, having the tools for a nuanced approach will improve Victoria Police's response to complaints.

Often the local managers will jump straight into policing mode and we have to remind them. There's an improvement with good intentions but it can still be a bit clumsy in the execution in some occasions. The managers think they're supporting the victim and doing the right thing. However, some managers still need guidance around the victim centric approach.

The Commission anticipates that over time, as the broad-ranging policy changes are implemented, they will have an important, tangible impact on employees in their everyday work by serving as a normative statement of organisational behaviours.

What measures are still needed?

The Commission encourages Victoria Police to continue to communicate policy changes to employees using a variety of methods and provide managers and employees with practical guidance to implement and operationalise policies.

Based on the findings outlined above, the Commission concludes that Victoria Police has implemented Recommendation 5 to a significant extent.

RECOMMENDATION 5

Reviewing and updating policies and procedures to achieve gender equality and diversity

Implemented to a significant extent

Notes

- 1 Melissa Brown and Gloria Kalache, 'Victoria Police Commissioner Graham Ashton Apologises Over Damning Report Showing Sexual Harassment Within Force', *The Age* (online, 9 December 2015) <<https://www.abc.net.au/news/2015-12-09/high-rate-of-sexual-harrasment-in-victoria-police-report-says/7012288>>.
- 2 Andie Noonan, 'Victoria Police Must do More to Tackle Sex Discrimination, Sexual Harassment: Audit', *ABC News* (online, 25 September 2017) <<https://www.abc.net.au/news/2017-09-25/victoria-police-must-do-more-to-tackle-sexual-harassment-audit/8980390>>.
- 3 Victoria Police, *LGBTI Inclusion Strategy and Action Plan 2018–2021* (2018) 5.
- 4 David Moore, "Restoring right relations" – with oneself, with a place, with the past' in Pauline Collins, Victor Igreja and Patrick Alan Danaher (eds), *The Nexus Among Place, Conflict and Communication in a Globalising World* (Palgrave Macmillan, 2019) 145, 160.
- 5 David Moore, "Restoring right relations" – with oneself, with a place, with the past' in Pauline Collins, Victor Igreja and Patrick Alan Danaher (eds), *The Nexus Among Place, Conflict and Communication in a Globalising World* (Palgrave Macmillan, 2019) 145, 160.
- 6 The Commission notes that some complaints of the 33 complaints received raised multiple matters.
- 7 Minister for Police and Emergency Services, 'Supporting victims as part of Victoria Police reforms' (Media release, 20 October 2018).
- 8 Victorian Government, *Budget Paper No. 3 – Service Delivery* (2019) 81, 86.
- 9 Minister for Police and Emergency Services, 'Supporting victims as part of Victoria Police reforms' (Media release, 20 October 2018).
- 10 Minister for Police and Emergency Services, 'Supporting victims as part of Victoria Police reforms' (Media release, 20 October 2018).
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- 12 David Moore, "Restoring right relations" – with oneself, with a place, with the past' in Pauline Collins, Victor Igreja and Patrick Alan Danaher (eds), *The Nexus Among Place, Conflict and Communication in a Globalising World* (Palgrave Macmillan, 2019) 145, 151.
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- 23 Male Champions of Change, *We Set the Tone: Eliminating Everyday Sexism* 11–12.
- 24 For the August 2018 report, 22 employees were interviewed and 869 employees completed a voluntary survey about awareness of the review, including the recommendations, perceptions of Victoria Police, perceptions of the review initiatives, including progression and promotion of women, and workplace harm. The January 2019 report was based on five focus groups and eight interviews in metropolitan Melbourne and regional Victoria. This research also queried employees about their attitudes and perceptions relating to review reforms, uptake of review communications, workplace harm initiatives and the rationale for diversity.
- 25 Of note, following consideration of the August 2018 report, in October 2018, the steering committee endorsed a proposal to work with the external consultants engaged to conduct the first study to refine the research methodology and draft a proposal to re-engage them to conduct the same research in 2019, using the 2018 findings as a baseline.

Chapter 6.

Supporting equality throughout women's careers

Key points

- Victoria Police's work to increase women's representation, embed flexibility and remove barriers to promotion has resulted in positive changes. If this progress continues, there is potential for deep change that could transform the organisation into an employer of choice for women and men.

Victoria Police has improved its recruitment practices and its understanding of attrition, but more work is needed to increase women's representation

- Victoria Police has had a recruitment target of 50/50 men and women for police and Protective Services Officers since 2017. It has taken steps to achieve the target, with women comprising 30 per cent of police recruits and 18.8 per cent of Protective Services Officer recruits over the course of 2018. However, further work is still needed to increase the number of female recruits.

Victoria Police has increased access to flexible work, and more employees work flexibly

- Since introducing an 'all roles flex' policy in 2017, more men and women are working flexibly.

Victoria Police has increased support for pregnant employees, and parents and carers, but support for pregnant employees remains inconsistent in some areas

- Changes to Victoria Police's pregnancy policy in early 2019 allow women to decide how to work when pregnant and when to disclose their pregnancy.
- The parental leave backfill scheme is helping to manage parental leave absences and some police members report more positive pregnancy and parental leave experiences.
- Some police members continue to report negative experiences related to pregnancy, parental leave and returning to work, such as being denied promotions. This is most often due to managers not implementing Victoria Police's pregnancy policies in practice.

Victoria Police has promoted more women, however there is some resistance to these promotions

- In the calendar years 2016 to 2018, 10.6 per cent of female police members (n=406) and 5.3 per cent of male police members (n=732) who applied for promotions were successful.
- The increase in the promotion of women is due to deliberate corrective action to remove gendered barriers to promotion. The '50/50 if not why not?' promotional policy is helping to overcome structural barriers to women's promotion, such as limited access to key training.
- This policy has attracted resistance from some men and a small number of women. For example, some women who are promoted report that their capability is questioned. The lack of a clear communication strategy on the policy's rationale and benefits appears to drive backlash.

Further work is needed to ensure that requirements reflect actual role capabilities

- Work is planned to review role requirements for select police member positions, but more work is needed to ensure requirements reflect the actual capabilities needed.

Gender inequality in superannuation remains an issue in Victoria Police

- As at March 2019, the review into the Emergency Services and State Super defined benefit superannuation scheme had not been released. Victoria Police paused work to advocate for gender equality in superannuation in anticipation of the review's release.
- In May 2019, the Victorian Government committed to funding reforms to improve the retirement benefits of police and emergency services employees. These reforms will support employees as they approach retirement, which may also benefit police women at the end of their careers.

Chapter 6 assesses the impact of Victoria Police’s work to increase the representation of women in the workforce, embed a culture of flexibility, remove structural barriers to the promotion of women, review whether current role requirements match actual duties and achieve gender equality in superannuation. As set out in this chapter, the Commission concludes that Victoria Police:

- has implemented to a significant extent Recommendation 6 to improve its recruitment practices and understanding of attrition and Recommendation 7 to embed flexibility
- has implemented to a moderate extent Recommendation 8 to strengthen promotional processes and career development for women
- is planning work to review the genuine requirements of roles, in line with Recommendation 11, and reduce the superannuation gap for women, pursuant to Recommendation 17.

RECOMMENDATION 6	Improving recruitment practices and understanding attrition	Implemented to a significant extent
RECOMMENDATION 7	Embedding flexible work and supporting pregnant employees, and parents and carers	Implemented to a significant extent
RECOMMENDATION 8	Strengthening promotional processes and career development for women	Implemented to a moderate extent
RECOMMENDATION 11	Reviewing the genuine requirements of roles	In planning
RECOMMENDATION 17	Reducing the superannuation gap for women	In planning

6.1 Increasing women’s representation

The evidence shows that Victoria Police employees are less likely to experience sex discrimination or sexual harassment in workplaces where there is more equal representation of women and men, compared to those where women are under-represented (see Chapter 4). Equal representation of women and men – and the safety that it brings – also best positions Victoria Police to respond to the diverse needs of the Victorian community, including in relation to gender-based violence against women, such as family and sexual violence.¹

To achieve gender equality, Victoria Police needs to attract and retain more women. Recommendation 6 recognises that it is critical to increase the representation of women at the two ends of the employee lifecycle, entering and exiting the organisation. Section 6.1 analyses the extent to which Victoria Police has implemented the intent of Recommendation 6.

- Section 6.1.1 considers improvements to recruitment practices, focusing on Victoria Police’s work to increase women’s representation at the start of the employee lifecycle.
- Section 6.1.2 details efforts to increase women’s representation through greater retention, including by seeking to understand the factors that drive women to leave the organisation.

6.1.1 IMPROVING RECRUITMENT PRACTICES

What we found in 2015

In 2015, the Commission found that women accounted for 51 per cent of police recruits.² While positive, we were concerned that this was the first time in a decade that Victoria Police had achieved roughly equal representation of male and female recruits: on average, women comprised 35 per cent of recruits from 2005 to 2014 (calendar years).

We also found that women comprised 14 per cent of PSO recruits.³ We noted a positive increase of six per cent from 2014, when women comprised eight per cent of PSO recruits. We were concerned, however, that since the PSO recruitment program began in 2011, Victoria Police had only recruited 121 women compared to 1119 men.

In addition, we found that female recruit applicants were leaving Victoria Police during the recruitment process in larger numbers than men and that this was caused, at least in part, by aspects of the recruitment process. For example, 37 per cent of prospective female police recruits and 57 per cent of prospective female PSO recruits did not pass the fitness test. We found Victoria Police did not have an adequate understanding of why applicants did not pass at each recruitment stage.

The Commission concluded that there may have been prejudicial recruitment practices that disproportionately affected women, notwithstanding the number of women recruited in 2015. We noted that:

- aspects of recruit fitness testing may have been a barrier for women, since this recruitment gateway had the highest fail rate for female applicants, compared to male applicants
- new systems to identify recruits who harmed or disrespected women would create a safer and more inclusive environment that would be more attractive to women
- Victoria Police needed to train its selection panels about unconscious bias, to prevent bias in recruitment and address the prejudicial recruitment practices.

In Recommendation 6, the Commission urged Victoria Police to improve its recruitment practices. We called on the organisation to maintain the 2015 police recruit numbers and aim for 50/50 women and men in future PSO squads.

We also urged Victoria Police to collect and monitor data on the pass and fail rates for each recruitment stage, to better understand why female applicants leave during recruitment and develop appropriate responses. This aimed to ensure that recruitment processes did not discriminate against women.

Lastly, we called on Victoria Police to review fitness testing, to identify and remove any discriminatory barriers for women. We encouraged the organisation to offer free fitness testing support to better prepare applicants. We also urged it to tackle unconscious bias in recruitment and identify and remove recruits harming women.

What we found in 2017

The Commission found that, as at June 2017, Victoria Police had taken key steps to improve its recruitment practices. This included reviewing existing recruit attraction practices, developing new attraction strategies to engage women, analysing applicant pass and fail rates and comparative research on recruitment practices from other Australian jurisdictions. At that time, Victoria Police had begun planning for an external review of its fitness testing and scoping ideas to provide free guidance to applicants on completing its fitness test.

The Commission advised Victoria Police that further work was needed to implement Recommendation 6. This included an evaluation of the new attraction strategies and collecting

gender disaggregated data on pass and fail rates in each recruitment stage. We stressed the importance of evaluating this data and responding to any findings. We also advised Victoria Police to review its systems for identifying harmful behaviour among recruits and progress the external assessment of fitness testing.

Progress in achieving change

Victoria Police has continued improving its recruitment practices.

Setting a 50/50 target for police and protective services officer recruits

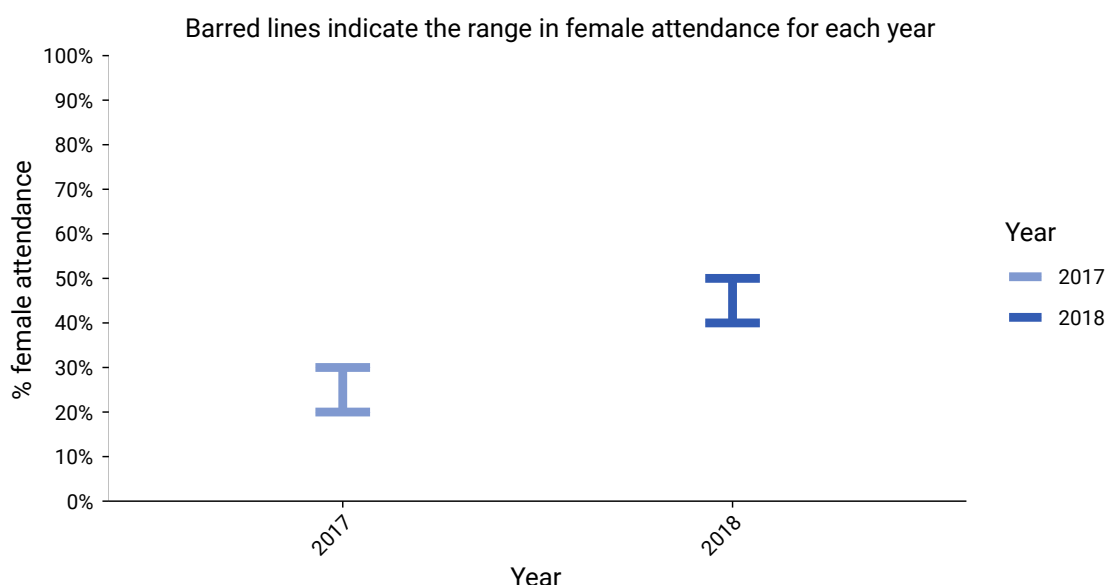
Victoria Police's GESAP, described in Chapter 5, sets a target for all police and PSO recruit squads to comprise 50/50 women and men.⁴ This target aligns with the Victorian Government's vision for gender equality in the public service⁵ and shows a strong commitment to equality of opportunity.

Implementing female-focused attraction strategies

To achieve the 50/50 target, Victoria Police is implementing dedicated, female-focused attraction strategies. These include the 'You're more suited than you think' advertisement campaign and a pilot program to encourage elite female athletes to consider policing when they retire.

Data on recruitment information sessions show an increase in female attendees from 20–30 per cent in 2017 to 40–50 per cent in 2018 (see Figure 10). It shows that the attraction strategies may have encouraged more women to attend the sessions and that women, at least initially, view the organisation as a potential employer.

Figure 10 – Percentage of women attending information sessions in 2017 and 2018



Reducing discrimination in recruit selection

Victoria Police has taken positive steps to reduce discrimination in recruit selection. For instance, in 2018, the organisation facilitated face-to-face training on unconscious bias for all staff in the Recruiting Services Branch and the Transfer and Promotions Unit.

The Commission commends Victoria Police on its leadership in recognising the positive impacts of in-person training for recruiters who play a vital, gatekeeping role for women who want to work for the organisation. Ongoing unconscious bias training will ensure that Victoria Police continues to mitigate the risks of bias and discrimination and help senior employees (who are generally tasked with recruitment) to challenge irrelevant thinking.⁶

Preparing applicants and ensuring that fitness testing reflects general duties policing

Victoria Police is actively working to increase women's pass rates on the fitness test. Key work includes the launch of the free Police Fit 'app' to prepare applicants for the fitness test. The app was downloaded by 3497 women and 3224 men between February and October 2018, a sign that women are accessing it to support their pre-test training.

Victoria Police is also working to ensure fitness testing reflects the actual requirements of general duties policing. Key work includes:

- researching the testing regimes of other Australian police organisations
- establishing a research partnership with the Australian Catholic University, which will assess if current fitness testing is relevant.

Embedding respect in recruitment

In 2018, Victoria Police took a strong stance on recruit behaviours that are incompatible with the Victoria Police Value of respect.⁷

For example, six recruits either themselves resigned or were terminated from their training at the Victoria Police Academy after behaving inappropriately towards women. In other instances, Victoria Police has tackled recruits' disrespectful behaviour towards women through an individual Professional Standards Development Plan. These plans may require recruits to present to their squad or write an essay about the values of respect and the phase 1 review to maintain their place at the Academy.

Early educative interventions where a recruit demonstrates harmful behaviour using education is a powerful way to embed respect at the Academy.

Using data to understand recruitment barriers for women

Victoria Police continues to collect data on the pass rates for women and men for each recruitment stage, enabling it to identify at which stage women drop out. This is critical because passing all stages of recruitment is the only method of entry for women who want to be police members.

Firstly, women are not applying to Victoria Police at the same rate as men. For the period 1 January 2017 to 31 August 2018, women comprised 32 per cent and men comprised 68 per cent of police applicants. In the same period women comprised 33 per cent and men comprised 67 per cent of PSO applicants.

Figure 11 below shows that between 2016–17 and 2017–18 female applicants performed as well, if not better than, male applicants in the online application and the interview. These stages are the most subjective assessments of applicant suitability, which may indicate that steps to improve recruitment practices, such as limiting unconscious bias, are reducing bias in selection.

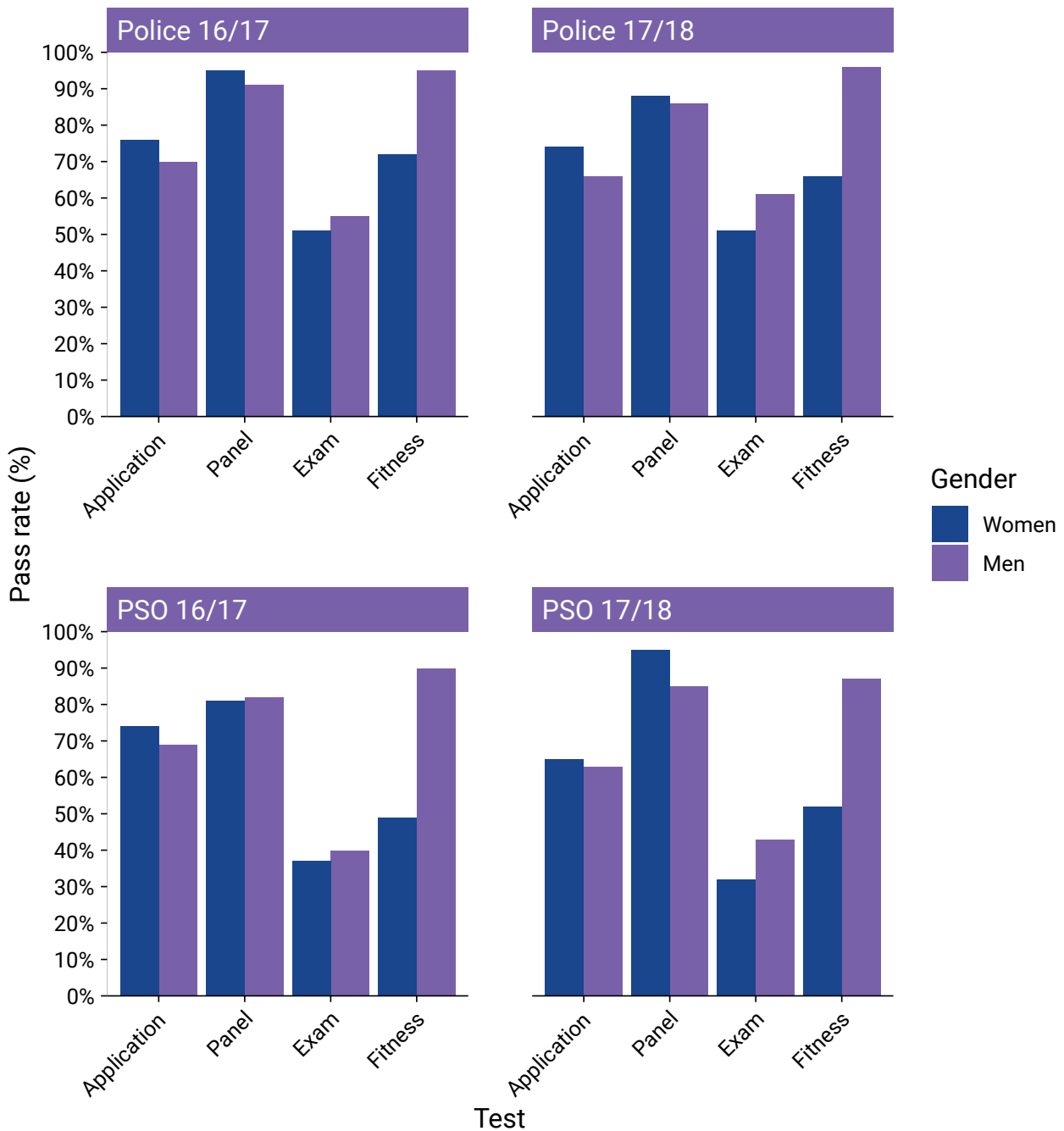
While there have been some minor improvements in women's pass rates in fitness testing in these two financial years, fitness testing remains the key recruitment stage where women's pass rates are considerably lower than men's pass rates.

- In 2016–17, there was a gap of 23 per cent between male and female police applicants in the fitness test pass rate. In 2017–18, the gap had increased to 30 per cent.
- In 2016–17, there was a gap of 41 per cent between female and male PSO applicants in the fitness test pass rate. In 2017–18, the gap was 35 per cent.

The data also show that there is a gender gap in the pass rate for the written exam (which tests for verbal, numerical and abstract reasoning and literacy, oral communication and computer literacy), meaning that men pass at higher rates compared to women.

- In 2016–17, this gap was four per cent for police applicants and, in 2017–18, it had increased to 10 per cent.
- In 2016–17, the exam pass rate gap between female and male PSO applicants was three per cent and, in 2017–18, it had increased to 11 per cent.

Figure 11 – Key recruit stage pass rates for 2016–17 and 2017–18



The data show that fitness testing remains the key recruitment barrier for women who apply to be police or PSOs. Although less pronounced, women are also passing the written exam at lower rates than men.⁸ Unless these two recruitment pass rate gaps are reduced, increasing the number of female police recruits is unlikely (noting efforts to address fitness testing, discussed above).

Impact of reform

Victoria Police has not achieved 50/50 representation of women and men

The measures described above show that Victoria Police is working hard to increase the number of women in its organisation, by improving its recruitment practices and removing gendered barriers to entry. We welcome these efforts.

However, as set out in Table 18 below, these efforts have not yet resulted in 50/50 women and men in recruit squads. Women comprised 30 per cent of police recruits and 18.8 per cent of PSO recruits in 2018. This represents a 19 per cent decrease in the number of female police recruits inducted between 2015 and 2018. There was only a small increase in PSO recruits inducted from 14 per cent in 2015 to 18.8 per cent in 2018.

Table 18 – 2015 and 2018 application and recruitment data for police and PSOs⁹

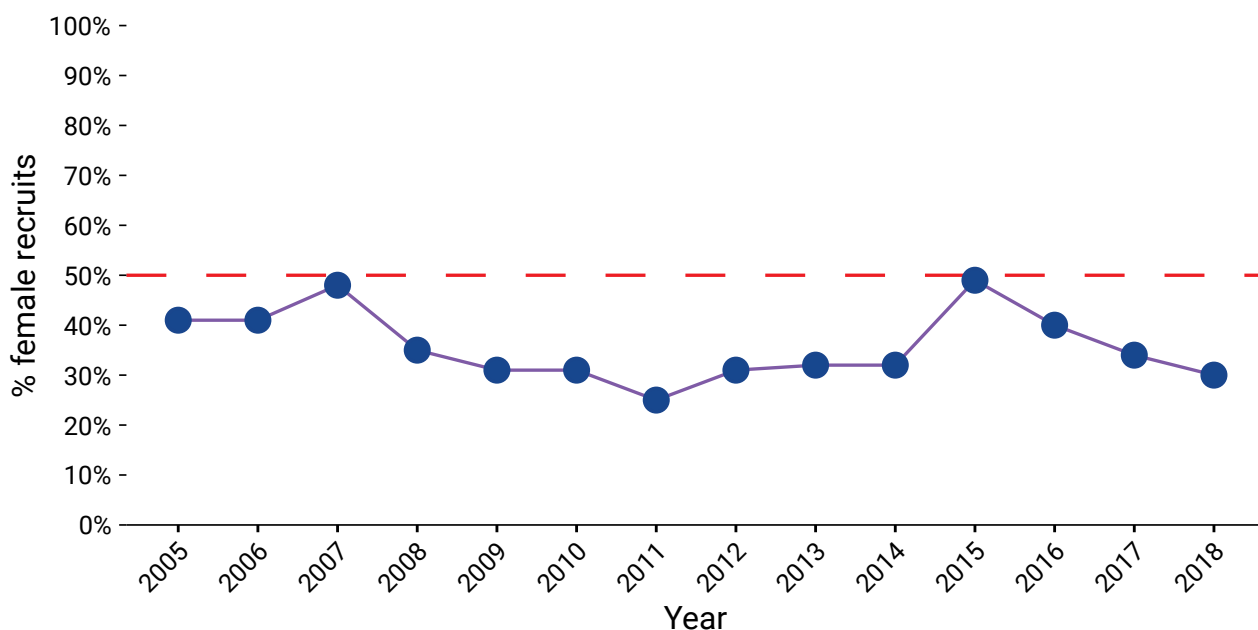
Year	Police		Protective Services Officers	
2015 recruits inducted	Women: 49%	Men: 51%	Women: 14%	Men: 86%
2018 recruits inducted	Women: 30%	Men: 70%	Women: 18.8%	Men: 80%

The persistent gap between male and female recruits is explained by two factors:

- women are not applying to Victoria Police at the same rate as men
- men are more likely to be successful in their applications than women, as evidenced in the higher conversion rates for men compared to women¹⁰

As set out in Figure 12 below, the percentage of female police recruits in 2007 (48 per cent) and 2015 (49 per cent) was anomalous. Further, since 2015, despite efforts to increase the number of female police recruits, Victoria Police has not approached equal representation of women and men. While the Commission has not seen evidence to explain how the almost equal representation of women and men was achieved in 2007 and 2015, what occurred in these years is distinct from other years.

Figure 12 – Percentage of female police recruits from 2005 to 2018



Red dashed line indicates 50% (gender equal) target

The lower application and conversion rates of women compared to men mean that Victoria Police cannot achieve its 50/50 target without further, targeted work. While the precise mechanism is not known, it is clear that at least in two previous years, Victoria Police has been able to achieve very close to equal representation of women and men in police recruitment.

Embedding respect in the Academy has increased recruit's willingness to report harm

The Commission heard about the positive impacts of Professional Standards Development Plans, both for individuals and in the Academy environment. For example, we heard that this approach increased recruit confidence to report inappropriate behaviour to a supervisor or call such behaviour out.

I see more reports. I'm really impressed with the recruits. The reporting of incidents both within the Academy and at their field placements are continuing to increase.

The Commission commends Victoria Police on these efforts and notes that a safe and respectful training environment is one that is more attractive to women.¹¹

What measures are still needed?

Victoria Police has current plans to invest \$3.5 million in strategies to attract women, including to reach the 50/50 target:

- launching new social media and podcast campaigns
- establishing an interactive careers information centre in central Melbourne
- contacting women who have left Victoria Police to encourage them to reapply
- offering the PSO recruit course part-time, to encourage parents and carers to apply.¹²

The Commission welcomes these plans.

In addition, Victoria Police is selecting and training the largest number of recruits in its history as part of commitments made by the Victorian Government in the 2017 Community Safety Statement. As part of its commitment to the Community Safety Statement, Victoria Police will induct 3135 police and PSOs over five years.¹³ This recruitment drive offers a rare opportunity to increase the number of female recruits and boost women's representation.

While Victoria Police has made concerted efforts to increase the representation of women through improvements to recruitment practices, we urge it to fully implement Recommendation 6 by:

- monitoring and evaluating the impact of efforts to reduce the gender pass rate gap in fitness testing for police and PSO recruits
- reviewing the recruitment written exam for, and acting on, gendered barriers
- evaluating its attraction strategies and selection processes to identify and remove the drivers of the gender gap in recruitment
- evaluating its approach to identifying and responding to harmful behaviours by recruits towards women
- implementing any advice from the review of fitness testing to remove gendered barriers in recruitment.

For a further discussion about future measures to improve recruitment practices, please see Chapter 10, including Recommendation 8.

6.1.2 UNDERSTANDING ATTRITION

What we found in 2015

In 2015, the Commission found that although Victoria Police's organisational attrition rate was lower than in many other organisations, the drivers of women's attrition were gendered and included sex discrimination, sexual harassment, victimisation and limited flexibility (access to flexible work is discussed in Section 6.2). In addition, we found that Victoria Police's collection and analysis of attrition data, including the reasons employees left the organisation, was limited.

Recommendation 6 urged Victoria Police to undertake a more robust analysis of existing attrition data to identify and respond to the drivers of women's attrition, including exit interviews for employees who leave the organisation.

What we found in 2017

In 2017, the Commission found that Victoria Police had taken key steps to better understand attrition, including analysing its processes when employees leave, such as planning for exit interviews.

We advised that any exit interview process should be conducted using victim-centric principles to respond to employees who may feel uncomfortable in disclosing their reasons for leaving, for instance making interviews optional, victim-led and confidential. We also advised Victoria Police to share de-identified information from exit interviews about discrimination or sexual harassment with OneLink and Taskforce Salus, to enable them to identify and respond to any work sites where harm was contributing to attrition.

Progress in achieving change

Victoria Police has continued to improve its understanding of attrition.

Collecting attrition data

Victoria Police has continued to collect data on people exiting the organisation, which show that rates of attrition for police members and VPS employees across the organisation were similar in 2015 and 2018.

The 2018 data highlights certain gendered differences in attrition, including that:

- police women typically retire earlier than men: 71 per cent of women leave within their first 20 years with the organisation, compared to 37 per cent of men
- police women leave at lower levels of seniority: more police women (81.3 per cent) leave at the rank of constable or senior constable compared to men at those ranks (62.8 per cent).

These gendered differences may be explained by different factors, not all related to the drivers of attrition identified in 2015. Further investigation is needed to understand if gender inequality (such as sex discrimination or a lack of flexible work (discussed in Section 6.2), or progression opportunities) is a contributing factor.

Conducting exit surveys and using this data to understand the drivers of attrition

In 2018, Victoria Police analysed 174 exit surveys it had collected since late 2017. While a small sample, it found that employees leave the organisation because of:

- a lack of flexible work options (8.3 per cent of female respondents and 12.9 per cent of male respondents)

- a lack of career progression (21.3 per cent of female respondents and 17.4 per cent of male respondents)
- health, safety or wellbeing concerns¹⁴ (14.2 per cent of female respondents and 14.4 per cent of male respondents).

Of note is that the survey data shows that for both male and female participants in this exit survey, safe and respectful workplaces, access to flexible work and career progression were generally as important in informing a decision to leave the organisation.

Impact of reform

The Commission acknowledges Victoria Police's continued efforts to collect robust data on attrition at all stages of the employee life cycle. We support Victoria Police's efforts to implement exit surveys, including questions about employee reasons for leaving. One participant explained that the survey evaluation had helped to identify certain drivers of attrition – including workplace harm and a lack of safety and respect and access to flexible work (discussed in Section 6.2) – and that future improvements to exit interview processes would further enrich the organisation's understanding of these drivers:

We've seen the results of the first analysis and anticipate further developments of the interview process itself to enable ease of capturing data.

The Commission supports planned work by Victoria Police to automate exit surveys.

Through its efforts to date, Victoria Police has improved its processes for collecting attrition data. While work to evaluate and respond to attrition drivers is in its early stages, if Victoria Police increases efforts to evaluate the data, this has the potential to inform strategies to retain women in the organisation.

What measures are still needed?

To fully implement Recommendation 6, Victoria Police should:

- allocate employees time during work hours to complete the survey, to increase participation and thereby collect more robust attrition data
- ensure that the exit survey includes specific options for employees to identify sex discrimination and sexual harassment as factors contributing to them leaving.

The Commission did not see evidence that exit interviews were conducted using victim-centric principles (for example, that interviews are optional, victim-led and confidential) or that de-identified interview data have been shared with workplace harm units. We reiterate the importance of these principles and the benefits of information sharing and advise that to implement Recommendation 6 fully, Victoria Police should:

- train all managers and supervisors to conduct interviews in a victim-centric way
- where appropriate, share de-identified interview data with workplace harm units, and ensure these units respond appropriately.

The Commission concludes that based on the work undertaken since 2015, Victoria Police has implemented Recommendation 6 to improve recruitment practices and understand attrition, to a significant extent.

RECOMMENDATION 6

Improving recruitment practices and understanding attrition

Implemented to a significant extent

6.2 Achieving workplace flexibility

Flexible work refers to patterns or locations of work that differ from traditional, full time hours or work locations. Examples include working part-time, changed start and finish times, unpaid leave, job sharing and working from home.¹⁵

Flexible work benefits employers, employees and their families, because work life balance helps retain skilled staff, particularly those with parental and caring responsibilities, minimises recruitment and training costs and increases organisational productivity.¹⁶ In flexible workplaces, employees are happier, healthier and more productive.¹⁷

Organisations that embed flexible work are more attractive to, and better able to retain, women – both critical levers to increase the representation of women in Victoria Police.¹⁸ This is because presently in society, women are far more likely than men to care for children, and access to flexible work enables women to balance their careers and caring responsibilities.¹⁹ Access to flexible work also enables more women to progress to leadership positions, as a lack of flexibility is a significant barrier to women's access to these positions.²⁰

Flexible work also benefits men because increasingly in our society men also want to balance career and caring for their family.²¹

At the same time, a flexible workplace culture helps Victoria Police to meet its legal obligations under the Fair Work Act and the Equal Opportunity Act in relation to flexible work and reasonable accommodation (see Chapter 3).

Section 6.2 analyses the extent to which Victoria Police has implemented the intent of Recommendation 7, to achieve workplace flexibility.

- Section 6.2.1 describes Victoria Police's work to embed a culture of flexibility.
- Section 6.2.2 details work to support pregnant employees, as well as parents and carers.

6.2.1 EMBEDDING A CULTURE OF FLEXIBILITY

What we found in 2015

In 2015, the Commission found that limited workplace flexibility affected Victoria Police's ability to attract, retain and progress women in the workforce. We also found that inflexible work practices disproportionately affected women, as they are more likely than men to be responsible for caring for children or others.²² We found that all employees needed greater access to, and stronger support from managers for, flexible work, and that outdated flexible work policies required updating.

The Commission also found that flexibility should be shifted from a 'women's issue' to a whole-of-workforce issue and that men were keen to take up flexible work but felt stigmatised in doing so. This workplace experience reflects broader research around the importance of workplace flexibility for both men and women and growing evidence that illustrates the benefits that accrues to all employees and organisations where there is a culture of workforce flexibility.²³

In Recommendation 7, we urged Victoria Police to adopt an 'all roles flex' policy, to reposition flexible work as the norm and embed an organisational approach that all roles can be worked flexibly. We also urged Victoria Police to collect and monitor data on how many employees work flexibly, as well as the number of requests for flexible work that are denied and the reasons why. This was essential to measure the impact of this policy and identify when flexible work was being accessed. We further recommended that Victoria Police increase guidance and training for managers, to better support decisions about flexible work requests.

What we found in 2017

As at June 2017, Victoria Police had taken steps to embed a culture of flexible work. Notably, this included:

- developing a revised workplace flexibility policy
- committing to 'all roles flex'
- developing guidance to help managers to determine flexible work requests
- enabling certain forms of flexible work to be recorded centrally
- analysing gaps in its flexible work data and planning to address these gaps.

The Commission welcomed these steps but advised Victoria Police that it needed to update its flexible work policy to clearly set out employee entitlements to flexible work under the Equal Opportunity Act and the Fair Work Act (see Chapter 3). We identified a need for further guidance for managers responsible for determining flexible work requests, including those made by probationary constables and recruits.

We advised Victoria Police to expand those forms of flexible work already recorded in its central database, to capture a broader range of flexible leave requests, such as working from home and days in lieu, as well as decisions to deny requests and the reasons for these. We also advised Victoria Police to include data on flexible working arrangements in regular CompStat reporting, to ensure visibility of the uptake of these arrangements across the organisation.

In addition, we emphasised the need for Victoria Police to promote the benefits of flexible work to all employees through targeted communications. We also emphasised that senior leaders who visibly model flexible work have a critical, positive role in shifting attitudes to flexible work and embedding a culture of flexibility.

Progress in achieving change

Since 2017, Victoria Police has done more to effectively embed a culture of flexibility.

Collecting data on flexible work

In 2018, Victoria Police continued its collection of flexible work and related entitlements data through its centralised HR Assist program, including part-time employment, study leave, leave without pay, parental leave²⁴ and secondary employment. As at February 2019, Victoria Police did not record data on flexible work requests or decisions denying those requests.

Strengthening policies and guidance for managers about flexible work

Victoria Police has strengthened its advice about flexible work to managers by:

- articulating employee entitlements to flexible work under state and federal laws
- clarifying grievance procedures in the event a request for flexible work is denied
- developing detailed guidance for managers to interpret its flexible work policy, including template plans for keep-in-touch days and return-to-work, and a checklist for assessing requests.

Impact of reform

There is a positive story emerging about flexible work in Victoria Police. As shown in Table 19 below, the number of women working flexibly increased by 10 per cent from 2017 to 2018, while the number of men working flexibly increased by eight per cent (see also Chapter 9).

Table 19 – Percentage of women and men accessing flexible work in 2017 and 2018

Sex/gender	2017	2018
Women	27.2%	37.9%
Men	7.9%	16.6%

Although the data is limited to two years,²⁵ more employees appear to be shifting to flexible arrangements following reforms to increase access to flexible work, including Victoria Police's commitment to 'all roles flex'.

Women and men are accessing different forms of flexible work, as illustrated in Table 20 below.

Table 20 – Most common type of flexible work accessed in 2018 (number of times accessed)

Female police members	Part-time (1001)	Purchased leave (540)	Parental leave (178)
Female VPS employees	Flexi-time (1019)	Part-time (661)	Purchased leave (269)
Male police members	Purchased leave (619)	Secondary employment (619)	Part-time (239)
Male VPS employees	Flexi-time (618)	Part-time (111)	Secondary employment (94)

Workforce data also shows that from 2017 to 2018, the number of male police members who took parental leave increased by 22 per cent (see Table 21 below).

Table 21 – Number of times male police members accessed parental leave in 2018

Number of times male police members accessed parental leave	2017	2018
	41 times	50 times

While fewer male police members accessed parental leave (50) compared to female police members (178) in 2018, the increased number of male police members accessing parental leave in 2018 is very positive. Should such increases continue, this would be a positive indicator that male police members feel better supported to access parental leave (discussed further in Chapter 9).

Beyond the data, the Commission heard mixed feedback from participants about flexible work in Victoria Police, suggesting a gap between Victoria Police's 'all roles flex' policy and its practical implementation.

Some participants reported positive experiences and told us about vastly improved attitudes to flexibility throughout some parts of the organisation.

There are things we are seeing now that pre-[the Commission's] report you wouldn't have expected, split shifts [for example]. There are some really flexible work options for men and women in the region.

I've seen a change ... you see males more openly accessing parental leave, people in formal leadership roles accessing flexibility because of childcare responsibilities. This is very different from what happened in the past.

Most people need to balance other life commitments. Previously, you would have to sacrifice those, now it's being recognised that it's just a part of life.

We want the recruits to reflect the community that we serve. It's no longer young white ex-footy players. We certainly make sure that people are aware of our flexibility, approval of flexible work options.

Participants also informed the Commission that many workplaces are proactively and creatively working to find solutions to accommodate flexible work.

However, the Commission also heard about negative experiences from participants that, in most cases, were linked to a lack of management support to trial flexible work initiatives. For example, one participant explained that their station had proposed an alternative, flexible roster with a business case, but this proposal was rejected.

Everyone was on board; other stations were doing it 30km up the road ... the rostering sergeant at the time sent in a dummy roster for six months and made a case. For a work-life balance, we thought that would be terrific ... it could be done and could be workable without affecting delivery ... There was no consultation and it was, 'No'.

Other participants told us that stigma around flexible and part-time work remained a persistent part of Victoria Police culture in some workplaces, in particular for male employees seeking part-time or other flexible work arrangements to care for family (see also Chapter 9).

What measures are still needed?

The Commission suggests that there are opportunities to further implement Recommendation 7 and, in doing so, embed a culture of flexible work in Victoria Police. These include:

- promoting the benefits of flexible work through organisation-wide communications and increasing the visibility of senior leaders who work flexibly
- expanding the collection of flexible work data to include decisions to deny requests to work flexibly and the reasons for those decisions
- reporting uptake of flexible work at CompStat forums
- using the data to identify, and act in relation to, work sites where flexible work is not business as usual
- sharing stories from individual workplaces overcoming barriers to flexibility
- providing clear guidance to managers about assessing flexible work requests from recruits and probationary constables.

See Recommendation 6 in Chapter 10.

6.2.2 SUPPORTING PREGNANT EMPLOYEES, AS WELL AS PARENTS AND CARERS

What we found in 2015

In 2015, the Commission found that women in Victoria Police experienced direct and indirect discrimination during pregnancy and when they returned to work after parental leave. We heard reports of negative and hostile attitudes to pregnant employees, limited access to keep-in-touch days during parental leave and a lack of support on returning to work. We also found that parents and carers experienced discrimination when they wanted to work flexibly to balance work and childcare.

In Recommendation 7, we urged Victoria Police to address structural factors that contributed to poor or discriminatory experiences for pregnant employees, including an outdated pregnancy policy, the absence of a parental leave backfill scheme and a lack of keep-in-touch programs. We also recommended that Victoria Police increase support and guidance for managers to support pregnant employees and ensure managers clearly understood the legal entitlements of pregnant employees, and parents and carers.

What we found in 2017

In 2017, the Commission found that Victoria Police had undertaken key work to better support pregnant employees and parents. This included:

- developing guidelines to better enable managers to support pregnant employees
- working to address gaps in data collection about who accesses parental leave and parental leave return rates
- securing funding for a parental leave backfill scheme from the Victorian Government for 219 police and PSO positions over four years
- designing the model for the parental leave backfill scheme.

We advised Victoria Police to continue to strengthen support for pregnant employees and parents by:

- removing language in the pregnancy policy and associated materials that required managers to assess 'risks to the unborn child'
- amending its pregnancy policy to clarify that reporting a pregnancy is optional
- clarifying that an employee's alternate duties worked during pregnancy must be based on the advice of their medical practitioner and consultation with them
- ensuring that each cohort has separate pregnancy risk assessment forms for their medical practitioner, to reflect their different role duties and risks
- ensuring that the pregnancy leave backfill scheme funding was enough to cover all vacancies when a pregnant employee is working alternate duties
- evaluating the scheme during the early stages of its implementation to identify any necessary changes to the model.

Progress in achieving change

Since 2017, Victoria Police has undertaken further work to support pregnant employees.

Amending the pregnancy policy to give greater agency to employees

In early 2018, Victoria Police amended its pregnancy policy to give stronger decision-making power to employees about any changes to their regular duties during pregnancy. Decisions about such alternate duties are now based on advice from the employee's medical practitioner, in consultation with the employee, rather than unilaterally by their manager. Any alternative duties plan created by a manager must be consistent with the medical practitioner's advice.

Victoria Police also produced a detailed guide for the employee's doctor, to assist them in assessing any risks associated with the employee's regular duties.

In addition, the organisation has removed language in the pregnancy policy that referred to the need for a manager to determine whether regular duties pose 'risks to [an] unborn child'.

These changes provide agency to employees to determine how they will work during their pregnancy. This new process gives greater autonomy to employees and ensures any health-related decisions are made by a medical professional. These are positive changes that have potential to contribute to a more supportive process for pregnant employees.

In addition, in early 2019, Victoria Police amended the pregnancy policy to provide employees with autonomy about disclosing a pregnancy, by:

- clarifying that notifying the organisation about a pregnancy is encouraged, rather than mandatory
- removing language in the policy that stated an employee would 'ideally' notify an employer of pregnancy by the end of the first trimester.

The Commission supports these changes, noting that there is no legal requirement for an employee to disclose their pregnancy.

Increasing the capability of managers to support pregnant employees

Victoria Police has created more detailed guidance for managers about supporting pregnant employees. Key work includes:

- amending the pregnancy in the workplace guide to clarify manager obligations about responding to inappropriate behaviour towards pregnant employees
- creating stay-in-touch plans, with specific details for VPS employees and police members.

If used consistently, these tools have strong potential to help employees to stay connected with their workplace while on leave and be supported when they return.

Providing backfill during parental leave

Victoria Police launched the parental leave backfill scheme in July 2018. In the first phase, 103 police and seven PSO positions to cover primary carer leave were delivered to country Victoria (45 positions), specialist departments (29 positions), metropolitan Melbourne (29 positions) and Transit Safety Division (7 positions). In its first year the scheme did not cover alternate duties.

Victoria Police has produced detailed guidance for managers to support the allocation of backfill positions.

The Commission commends Victoria Police on the implementation of this scheme. If continued, it is likely to further support individual employees and workplaces to manage parental leave vacancies and reduce stigma about such leave.

Evaluating and expanding the parental backfill scheme

Victoria Police is continuing to monitor the scheme's implementation. Key proposals from an early evaluation include that Victoria Police should:

- advocate for more funding to cover the forecast demand, since the 219 scheme positions will be insufficient to cover all primary caregiver leave vacancies in the future and the scheme does not cover alternate duty vacancies
- roll out all 219 positions by 2020 (rather than 2022).

The Commission congratulates Victoria Police on the early and detailed evaluation of the scheme's operation.

Impact of reform

Victoria Police has invested in significant and large-scale change to support pregnant employees and already this has resulted in more support for women during and after pregnancy and a strong foundation to support employee agency during pregnancy.

Some participants described having a more positive experience in 2018 as compared to 2015. For example, one participant compared her recent experience of pregnancy to previous experiences:

[From] having my first child until now, there's been a lot of change. Back in the day I was on light duties each time I got pregnant but now there's keeping-in-touch ... I'm certain I haven't missed out on anything. Instead of having to do it all yourself it's organised for you. It's a nice change.

Other participants described increased support of senior leaders to support pregnant women. Examples included changed attitudes to pregnancy due to the parental leave backfill scheme and one station's plans to create a breastfeeding room.

The maternity back fill – certainly from a manager's point of view – no longer am I saying, 'oh that person's pregnant, I've lost that person for 12 months.' So, it's really positive.

We are in the process of putting a request for [a breastfeeding room]. It's one of the initiatives of the [women in policing local] committee ... we will make it happen ... We have raised it with the superintendent and so far, the response has been positive.

The parental leave backfill scheme was only in the early stages of implementation in 2018. However, the Commission heard about early, positive impacts for pregnant employees, managers and workplaces, including reducing stigma associated with taking parental leave:

The addition of backfills has been an enormous help ... The idea of being able to backfill those people is great ... the concept will immediately take the guilt away from parental leave. It is an entitlement and not a privilege.

As the changes to Victoria Police’s pregnancy policy only occurred in 2018 and early 2019, not enough time has passed to assess their impact fully. Even so, as set out below in Table 22, many women across Victoria Police have continued to report negative and discriminatory attitudes towards pregnancy and a lack of support from managers and supervisors (see Chapter 9). For instance, participants noted that the initial number of backfill positions was insufficient to meet demand and that in rural or regional areas parental backfill positions were allocated to vacancies created by reasons other than parental leave.

Table 22 – Ongoing challenges related to pregnancy, parental leave and return-to-work

<p>Pre-disclosure environment</p>	<p>Participants told us about negative attitudes to pregnancy before and after they disclosed they were pregnant</p>	<p><i>One of the blokes I worked with was being derogatory to another member who was pregnant – he called her a drain on the site because of no backfill.</i></p> <p><i>Within days of notifying my workplace I was pregnant I was moved to a different role ... This role was not in line with my current qualifications, experience, job description and duties ... My pregnancy would have had almost zero effect on my ability to do my current role.</i></p>
<p>During pregnancy</p>	<p>Participants told us about negative experiences in the workplace during pregnancy and before taking leave</p>	<p><i>Once I announced my pregnancy, the senior sergeant told me immediately that my upgrading was 'off the table'. I was told I was no longer suitable due to being pregnant, and that I should not bother to sit the sergeants' exam.</i></p> <p><i>I interviewed and was chosen for a position during the first trimester of my pregnancy. When management found out about my pregnancy, they tried to deny me the position.</i></p>
<p>During leave and before return-to-work</p>	<p>Participants told us they were not supported during parental leave and before they returned to work</p>	<p><i>Members go on maternity leave and are forgotten about until they return.</i></p> <p><i>I tried to take them [paid keep-in-touch days] ... but the senior sergeant ... found it confusing and wouldn't allow me to return until my maternity leave was over.</i></p>
<p>Return-to-work</p>	<p>Participants told us they did not have a structured process to support a transition back to work</p>	<p><i>I am constantly rostered shifts which make it difficult or impossible to have necessary lactation breaks.</i></p> <p><i>I was not given opportunities to develop due to how part-time female employees are viewed after returning from maternity leave. I was overlooked for acting opportunities on numerous occasions.</i></p>

While Victoria Police is to be commended for acting to improve pregnancy policies and guidance, more work is needed to create safe and respectful workplaces for pregnant employees across the organisation. Victoria Police has significant work to do to eliminate the damaging negative attitudes and practices impacting the organisation’s pregnant employees.

What measures are still needed?

To fully implement Recommendation 7 and support pregnant employees, parents and carers, Victoria Police should:

- continue to plan and advocate for funding to ensure the parental leave backfill scheme covers all primary carer and alternate duties vacancies
- ensure that in rural and regional areas parental backfill leave positions go directly to the parental leave vacancy, and not vacancies created for any other reason
- increase training for all managers about responding to inappropriate or discriminatory attitudes or behaviour relating to pregnancy in the workplace, emphasising their obligation to create and maintain a safe working environment
- review the lactation policy to ensure that breastfeeding employees are supported at work.

See Recommendation 7 in Chapter 10.

The Commission concludes that, based on our analysis of Victoria Police's work to embed a culture of flexibility and support pregnant employees and parents and carers, Recommendation 7 is implemented to a significant extent.

RECOMMENDATION 7

Embedding flexible work and supporting pregnant employees, and parents and carers

Implemented to a significant extent

6.3 Removing structural barriers to women's promotion and progression

Women in Victoria Police have long faced structural barriers to promotion, including sexist attitudes or selection bias, where male selectors reward candidates that are like them. Research on police organisations identifies that unconscious bias, gender stereotyping, a hypermasculine culture and a lack of organisational policies and programs to support women are the main barriers to promotion and progression for women.²⁶ Further, police women in leadership positions face far more scrutiny because of a perception they do not 'fit' into the hypermasculine policing environment.²⁷ To respond to these attitudinal and structural barriers that have disadvantaged women and advantaged men, a range of dedicated policies and programs are needed to provide a level promotional playing field for women.

Research on behavioural insights shows that certain design changes can be made to remove barriers to women's promotions.²⁸ For example, mandatory unconscious bias training, guides and checklists to guide decision-making about promotions and blind recruitment (where the gender, age and name of an applicant are not included in applications) are measures to combat bias.²⁹ Another mechanism is educating selection panel members about the dangers of thinking with their gut, and instead to use objective measures of performance to select candidates.³⁰

Section 6.3 analyses the extent to which Victoria Police has implemented the intent of Recommendation 8, to remove structural barriers to women's promotion and progression.

- Section 6.3.1 sets out Victoria Police's work to use data to support women's promotion and progression.
- Section 6.3.2 describes work to ensure fairness in progression for constables.
- Section 6.3.3 details work to support women's career development.

6.3.1 USING DATA TO SUPPORT WOMEN'S PROMOTION AND PROGRESSION

What we found in 2015

In 2015, the Commission found that systemic discrimination and gender inequality adversely affected women's career progression and limited their opportunities for promotion. We found, for example, that women were under-represented in leadership, executive and supervisory roles and had proportionately fewer higher duties opportunities than men.

In Recommendation 8 we urged Victoria Police to collect a wide range of data on promotion and progression, including upgrades and at-level transfers, and report on this data annually as part of the GESAP. We also recommended that Victoria Police audit annually its progress in increasing the number of women promoted and use these findings to inform local Command and Directorate Work Plans (see Chapter 5).

What we found in 2017

In 2017, the Commission found that Victoria Police had taken key steps to use data to understand promotions, including:

- analysing promotions data to inform actions in the GESAP
- conducting the first 50/50 strategy audit of police members and PSO applications for transfer and promotion
- making internal recommendations based on the 50/50 strategy audit findings.

We suggested that Victoria Police refine and strengthen how it collects and analyses promotions data, including:

- collecting gender disaggregated data on applications and shortlisted and successful candidates and regularly reporting on this data through CompStat
- expanding future 50/50 strategy audits to include all employees (not just police members and PSOs)
- evaluating the implementation of the first internal 50/50 strategy audit recommendations
- using future 50/50 strategy audit data to identify and remove barriers for women in promotion that exist in specific regions, departments or commands.

Progress in achieving change

Since 2017, Victoria Police has continued to make improvements to its use of data to increase women's promotional opportunities.

Using data to identify and remove promotional barriers for women

Victoria Police continues to centrally collect the data needed to measure women's promotions, including the numbers of women and men who apply for roles, are selected for roles and higher duties and obtain at-level assignments and transfers.

This data is required to be reported bi-annually at Compstat forums and local leaders are expected to input it into local Workplace Diversity and Inclusion Plans.

Increasing understanding of and support for the 50/50 strategy

The Commission observes that the GESAP, released in 2017, contains a clear statement about the purpose, rationale and actions to achieve the organisation's 50/50 promotion strategy, including:

- targeting bias in recruitment, transfers and promotions
- piloting blind recruitment for positions at the VPS 5 classification and above
- ensuring higher duties and at-level assignments and transfers reflect the 50/50 principle.

The strategy is available to employees through Victoria Police's intranet.

The Commission supports Victoria Police's strategic vision and measures for equality in promotion and progression opportunities, articulated in the strategy. However, we are concerned that while Victoria Police has a clear statement of intent and purpose about the 50/50 strategy, it has not been widely communicated to employees through dedicated, organisational messaging. The Commission heard, across data sources, that the failure to clearly articulate the purpose and rationale of the strategy had resulted in widespread misunderstanding and resistance from some employees. The impacts of this are discussed below.

Impact of reform

There are early positive signs that Victoria Police is using the gender disaggregated data it collects to improve women's access to promotions. For example, in February 2019 Victoria Police held the first Gender Equality CompStat, a forum attended by senior leaders at which data on progress towards gender equality was presented and analysed. CompStat forums are the primary accountability measure for Victoria Police and are used to measure progress against key performance indicators. This dedicated forum is a demonstration of the importance of data collection around gender equality and using the data to form an evidence base for action.

We also observed that a number of local senior leaders are using the data to assess women's promotion and progression opportunities in their local areas:

I have used this data in CompStat [forums] and meetings with senior leadership teams to highlight gender-based gaps in uptake of development and assignment opportunities. I focus on this data because at-level development and assignment opportunities is where our capability build for the future comes from.

Women in Policing Local Committees use data and insights from their members to understand and respond to promotional barriers for women:

We talk about barriers and identifying those barriers and thinking about changing [them] ... identifying women for expressions of interest and promotional opportunities ... running leadership forums [and] a professional development day around applying for positions.

This leadership and commitment to using data and the insights of women in Victoria Police to identify and treat barriers to women's promotions are to be celebrated.

However, there are opportunities for the data to be used more systematically and consistently across the organisation to remove promotional barriers.

We also heard that those barriers for women identified in 2015 remain persistent across parts of the organisation. For example, we heard that promotion and progression opportunities for VPS women were very limited, particularly at levels 2 and 3:

VPS 2 people get in the job and stay in job and stay at that level ... You want to take a secondment to a higher level, but you are knocked back because you are not allowed to back fill a VPS 2 vacancy ... How do you motivate these women when there's nothing for them to do?

This was supported by 2018 workforce data, showing that while women comprise 65 per cent of all VPS employees, they are over-represented in the lowest VPS levels compared to men. We heard that women employed at these levels are often employed at police stations, but do not have access to the same promotional and progression opportunities as their police member colleagues.

Structural barriers, such as selection panel bias that favours male candidates, were also identified by participants:

The process is obviously prone to all sorts of cognitive bias. 'People I know, who I am networked to, people who are like me, people I think will fit in with the team.' ... All of these factors favour men, as men are the existing dominant group and decision-makers.

Across data sources, participants explained that a lack of organisational messaging about the 50/50 strategy is contributing to detrimental impacts for women who were promoted, such as questions about the 'merit' of their promotions:

I think we need to educate the organisation and we haven't really. So, that's why I think people have stopped at the 50/50; they think it's a hard target, a quota. And that adds to the whole backlash and then they say, 'Oh she's just been promoted because she's a woman, to hit that target'.

While resistance or backlash to gender equality is a normal and expected response to reform,³¹ because of its disproportionate impacts on women, it requires a systematic organisational response (see chapters 9 and 10).

What measures are still needed?

There are opportunities for Victoria Police to fully implement the intent of Recommendation 8, and thereby improve the organisation's use of data to increase promotional opportunities for women by:

- implementing an organisational strategy to evaluate promotions data to identify and remove gendered barriers
- ensuring Workplace Diversity and Inclusion Plans include local promotions data
- communicating the need, purpose and benefits of measures to increase women's promotion, including the 50/50 strategy.

See Recommendation 4 in Chapter 10.

6.3.2 ENSURING FAIRNESS IN PROGRESSION FOR CONSTABLES

What we found in 2015

In 2015, the Commission identified a particular structural barrier to progression for constables who take unpaid parental leave. If a constable takes 12 months parental leave, which is common for primary caregivers, they will not have 12 months of continuous salary payments, which is a requirement for career progression. This situation disadvantages women constables who have children when they are constables. Impeding progression during the early part of a woman's career may have lasting effects.

In Recommendation 8, the Commission urged Victoria Police to increase managers' understanding of clause 65.12 of the Victoria Police Sworn Agreement (Sworn Agreement), which allows progression for constables who have taken leave if they otherwise meet the performance and capability criteria for progression. We also called on Victoria Police to monitor how often the clause is used.

What we found in 2017

In 2017, the Commission found that Victoria Police had engaged in some early thinking about training options for managers and supervisors on utilising the clause. We advised Victoria Police to build on this work by analysing the use of the clause to set a baseline. We suggested that the organisation consider options for training managers and supervisors through annual workplace harm training.

Further progress in achieving change

Victoria Police has not provided the Commission with evidence of any further work to ensure fairness in progression for constables.

What measures are still needed?

We urge Victoria Police to implement this aspect of Recommendation 8 and the Commission's further advice from the phase 2 review.

6.3.3 SUPPORTING WOMEN'S CAREER DEVELOPMENT

What we found in 2015

In 2015, the Commission found that women were not applying for promotions or transfers due to poor experiences in promotion processes. We concluded that discrimination, limited role modelling of women in leadership roles and the stigma associated with flexible work were barriers for women who wanted to progress their careers. We found that a lack of career development opportunities, particularly through formal training, was compounding these factors. We identified that professional development was key to addressing these barriers and increasing women's confidence to apply for transfers and promotions.

In Recommendation 8, we urged Victoria Police to review and improve promotion and leadership development programs for women across all cohorts and levels. We recommended that Victoria Police's leadership programs for women should reflect the contemporary needs of women in the organisation and that Victoria Police track the impact of new programs in increasing women's promotions.

What we found in 2017

In 2017, we found that Victoria Police had started a considerable program of work to increase support for women's career development. Key work included:

- researching career support models in other police jurisdictions and the private and public sectors
- planning for six pilot career support programs for women, including a formal sponsorship program for five female inspectors and five female superintendents
- preparing a briefing paper for senior leadership with gender equality principles to guide leadership programs at both the central and local levels
- planning to evaluate the six pilot leadership programs.

We commended Victoria Police on its work to improve leadership training for women and advised that, to further strengthen this work, Victoria Police should:

- evaluate the pilot programs to establish a baseline to compare the promotion rates of women who take part in training, compared to those who do not
- expand its leadership training courses to include female senior constables and women in the VPS and PSO cohorts
- ensure the evaluation considers barriers for women who wish to participate and considers whether programs need to accommodate flexible work
- ensure the evaluation identifies barriers to women's promotions and address these directly in the training program.

Progress in achieving change

Since 2017, Victoria Police has completed further work to strengthen the career supports provided to women.

Evaluating the impact of career support programs for women who participate

In 2018, Victoria Police evaluated the following career support programs to understand their impact for female participants:

- Developing Future Leaders Program for sergeants
- Leaders Mentoring Program for senior sergeants
- Coaching and Mentoring Program for sergeants and senior sergeants
- Kick Start Your Leadership for constables and senior constables
- Women's Leadership and Sponsorship Program for senior sergeants and inspectors
- V Balance Women's Leadership Program for senior sergeants and inspectors.

The Commission supports work to evaluate the impact of leadership training programs. However, the evaluation method did not compare promotions for women who participated in career support programs and those who did not, a necessary comparison to truly understand if programs assist women in progression.

Expanding career support programs for women

In 2018, Victoria Police has undertaken a range of work to extend the career support provided to women. This includes establishing:

- a career support program for senior constables and PSOs called Knowledge Energising Your Success (KEYS Program)
- the Leading Women Senior VPS program for VPS staff.

In 2018, 48 female police members and PSOs took part in the KEYS program and 48 VPS employees and forensic officers took part in the Leading Women program.

However, Victoria Police decided in 2018 not to create a tailored program for PCOs for a number of reasons, including that it was not necessary as 38 per cent of senior PCOs are women.

Impact of reform

Victoria Police's work to expand the range of career support programs and evaluate their effectiveness is a significant and positive step in supporting women's career development. We heard about the positive impacts of leadership training, particularly to increase women's confidence in applying for promotions.

There has been a positive shift towards greater equality of opportunity for women in promotions. In the calendar years 2016 to 2018, workforce data shows that 10.6 per cent of female police members and 5.3 per cent of male police members who applied for promotions were successful. While women's promotions have increased, almost double the number of men (732) compared to women (406) were promoted during this period.

Should Victoria Police continue to deliver initiatives to support women, such as leadership training and the other measures described throughout Section 6.3, there is significant potential to maintain this positive progress.

We heard that these programs had increased women's confidence to apply for promotions and progression, as well as actively mentoring women to prepare them for a promotion. We heard that these impacts had been experienced widely across the organisation and that this increased confidence had enabled a larger pool of talented female applicants to apply for promotions.

In the Police Registration and Services Board's work hearing appeals, we get to hear from many excellent police officers. Over the past year or so, we've seen a number of talented women selected for promotion. It seems that many of them have put themselves forward for promotion for the first time, perhaps because in the past, they lacked confidence or the encouragement to think of themselves as leaders, or they didn't think they could work part-time at a higher rank. We haven't seen any pattern of women being promoted for any reason other than their talent and merit. It's likely that a group is now coming forward to have their experience and ability recognised and there was a reservoir of previously unrealised talent which has now 'bubbled up' due to mentoring, encouragement and support and is now reflected in recent appointments.

There was a real need for the Leadership and Development [program]. It helped a lot of women find their voice and confidence to ... take up career opportunities and transfers and promotions.

I think of the commissioned female officers group, the growth of that group in the past few years is significant ... it is really powerful, and that group is one part of all the programs we aim to provide to women, along with many other leadership programs. The impact of these programs is really noticeable. Women are empowered by that.

I am more than happy to [mentor women] openly. Previously ... you had to be wary of your own career if you openly started to push women's rights. It would be career ending, but that is not the case anymore, it has really changed ... I do a lot of mentoring, particularly with women who are looking to be upgraded. Two years ago, I could not have done that.

Across data sources, it is clear that deliberate corrective action taken by Victoria Police to remove gendered barriers to promotion has resulted in a more level playing field for women seeking promotions.

What measures are still needed?

To fully implement Recommendation 8 and continue to strengthen the career support provided to women in the organisation, Victoria Police should:

- compare the promotional rates of women who participate in leadership programs and those who do not
- establish a leadership program for PCOs
- ensure all women who want to can access leadership training programs, and that Victoria Police consider barriers to participation
- evaluate whether its leadership programs are meeting the needs of women in Victoria Police, including for women who work flexibly or part-time and who work in remote or regional areas (see Chapter 7).

For a broader discussion about access to training and professional development for all employees, see Section 7.1. See also Recommendation 9 in Chapter 10.

The Commission concludes that Victoria Police's work to remove barriers to women's promotion and progression means that Recommendation 8 has been implemented to a moderate extent.

RECOMMENDATION 8

Strengthening promotional processes and career development for women

Implemented to a moderate extent

6.4 Reviewing inherent role requirements

In recruitment and progression, Victoria Police and other policing organisations have historically prioritised those characteristics and attributes stereotypically associated with men, including physical strength, toughness, bravery and stoicism. Less emphasis has been given to those that are typically associated with women, such as technique, resilience, nurturing, problem-solving and effective communication, which evidence shows are critical to effective policing.³²

This narrow paradigm has seen men prioritised over women in recruitment and progression and contributed to a highly masculinised and gender-segregated culture.³³ Women are often seen as better suited to positions involving administration or caring, whereas men are perceived to be more suited to positions involving risk and physical strength.³⁴ At the same time, women are seen as 'unsuited' to certain roles, particularly in traditionally male-dominated areas of policing.³⁵

In Victoria Police, time in operational roles is prioritised over capability in role requirements, which can further disadvantage women, who are more likely to have had career breaks or to have worked part-time and care for children or others. International research on women in policing finds that a lack of experience in operational roles is one of the major barriers to women's advancement in police organisations.³⁶

As reflected in Recommendation 11, modern policing demands that a more comprehensive set of skills and capabilities are reflected in role requirements, and a decreased emphasis on operational experience. Research shows that traditional policing requirements, such as physical strength, are not as relevant to modern policing. Rather, strong communication, interpersonal and conflict resolution skills are the essential skills for community policing.³⁷ Redefining role requirements is a powerful way both to remove discriminatory barriers for women and increase their representation, and reflect the contemporary capabilities required of police today.

Section 6.4 analyses the extent to which Victoria Police has implemented the intent of Recommendation 11, to review inherent role requirements.

What we found in 2015

In 2015, the Commission found that women in Victoria Police were:

- under-represented in higher police member ranks
- over-represented in lower VPS roles (VPS grades 1 to 3)³⁸
- under-represented in senior roles in regional and rural areas, because of limited opportunities for promotion and progression in these areas.

We noted that the traditionally 'masculine' characteristics of being a police member were highly valued over other characteristics. In this context, this includes those described above, such as physical strength. We also identified that employees who could work full-time (such as those without carer responsibilities) were more likely to be selected than those who could not.

We also found an organisational preference for those who had worked continuously and had a longer time in a position and those who had operational experience, rather than capability or greater efficiency. This preference disproportionately disadvantaged women, who were more likely to have had career breaks.

In Recommendation 11, we urged Victoria Police to analyse and rescope the requirements and criteria for all roles (the inherent requirements) to ensure that role requirements reflected the true requirements of modern policing, as opposed to a narrow focus on traditional masculine policing traits.

What we found in 2017

In 2017, the Commission found that Victoria Police had:

- agreed to adopt the recommendations of an Australia New Zealand Policing Advisory Agency report on general duties policing role requirements, with some modifications
- provided this report to the VEOHRC Review Implementation Steering Committee, who declined to approve the report recommendation.

The Commission advised that Victoria Police should:

- undertake work to understand the core knowledge, skills and attributes required of employees and consider gender impact and bias in role capabilities, to identify any barriers for women
- focus attention on the leadership capabilities for senior sergeants and above
- ensure all role requirements are consistent with the principles of modern, equal and flexible policing
- understand the impact of undocumented considerations on women's promotions.

Progress in achieving change

The Commission acknowledges the significant resources needed for Victoria Police to complete the work to address inherent role requirements for all roles. In 2018, in recognition of this challenge, Victoria Police and the Commission agreed to amend the scope of the organisation's work to review role requirements to include a selection of police member and PSO roles where women are under-represented compared to men, including specialist police member units. We understand this work was in the early planning stages at the time of writing.

Impact of reform

While Victoria Police is yet to review inherent role requirements, workforce data provides a compelling case for why it is necessary. The data show that women are under-represented in certain commands, indicating organisational gender segregation. For instance, only three of 25 of Victoria Police's commands and departments have equal representation of male and female police members and in some the representation of female police members or female VPS employees is critically low, including:

- Counter Terrorism and Transit Safety Command (16 per cent female police members)
- Road Policing Command (14 per cent female police members)
- Operational Infrastructure Department (7 per cent female VPS employees).

Gender segregation is also evident in the over-representation of women in lower VPS grades. For example, in 2018, 66.9 per cent of all female VPS employees were at grades 1 to 3, compared to 50.8 per cent of all male VPS employees at these grades. Women comprised 33.1 per cent of all VPS employees at grade 4 or higher, compared to 49.2 per cent of men at these grades.

The Commission heard a contributory factor is that Victoria Police still values typically masculine traits and operational experience at the expense of other skills, such as people management:

[We need] a proper valuing of the work of caring (of emotional labour), and insistence on it as a quality in all leaders, regardless of gender ... managing welfare, mental health, inter-personal disputes and other people-management related tasks is difficult work; it is the most intensive, emotionally draining and challenging aspect of management work in policing. And often [this is] not ... the part that gets you noticed and promoted.

Reviewing inherent role requirements to align them to the capabilities needed in a modern police organisation is a key way that Victoria Police can remove barriers for women who wish to work in traditionally male-dominated roles. Should Victoria Police review role requirements, there is strong potential to increase the representation of women in commands and roles where they are currently under-represented.

Reviewing inherent role requirements is not limited to reviewing and amending position descriptions. It requires a systemic review of what constitutes capability in all selection processes: upgrading, transfers and promotions. It requires a fundamental shift from valuing time in position and operational experience to an objective assessment of a candidate's capability to perform the true requirements of modern policing.

What measures are still needed?

To implement Recommendation 11, in its redefined scope, and thereby align role requirements with capabilities and recognise a more diverse skill set, Victoria Police should:

- undertake planned work to review role requirements for a selection of roles where women are under-represented, for example, detectives or roles in other specialist units
- explicitly include criteria such as inter-personal skills, management expertise and managing safe and inclusive workplaces in all management role selection criteria (see Recommendation 9 in Chapter 10).

The Commission concludes that Victoria Police's work to review inherent role requirements, as required by Recommendation 11, is in planning.

RECOMMENDATION 11

Reviewing the genuine requirements of roles

In planning

6.5 Reducing gender inequality in superannuation

Due to career breaks to have children and part-time work patterns,³⁹ women in Australia often retire with a far smaller superannuation benefit compared to men, because they earn less over their careers.⁴⁰ Research also shows a lack of women in leadership roles,⁴¹ and that direct and indirect workplace discrimination contribute to the smaller retirement savings of women compared to men.⁴²

Police work long and often challenging careers in the service of their community. For female police members, however, their superannuation benefit can be much lower than those of male police members, because the factors described above can reduce their lump sum retirement benefit. Work to advocate for increased equality in superannuation benefits is a powerful way to ensure that police women in Victoria retire with similar benefits to those of their male colleagues, and benefits that reflect their career contributions.

Section 6.5 analyses the extent to which Victoria Police has implemented the intent of Recommendation 17, to reduce gender inequality in superannuation.

What we found in 2015

Under the defined benefit superannuation scheme for police members and PSOs provided by Emergency Services and State Super, employees are paid a lump sum at retirement. This is based on a calculation determined by the employee's individual contributions, age and length of membership. If employees work part-time or have periods of unpaid leave, including parental leave, their contributions are accrued on a pro-rata basis.

In 2015, the Commission found that the defined benefit superannuation scheme had the potential to disadvantage female police members and PSOs in Victoria Police, as women are less likely to work full-time for their entire career and are more likely to take longer periods of unpaid leave to have and care for children. We analysed superannuation data and found a lump sum payment gap between women and men who exited Victoria Police at age 40 of up to \$150,000.

In Recommendation 17, the Commission called on the Victorian Government to work with Emergency Services and State Super to undertake a gender impact analysis of the defined benefit superannuation scheme. We suggested that Victoria Police use this gender impact review to advocate for a reduction in gendered inequality in superannuation.

What we found in 2017

In 2017, the Commission found that the Victorian Government had commenced a review into the defined benefit superannuation scheme, which included a gender impact analysis. We also found that Victoria Police had:

- requested raw data from Emergency Services and State Super for the purposes of conducting its own gender impact analysis, but that this request was denied for privacy reasons
- analysed the:
 - separation rates of women and men by rank from 2011 to 2016
 - career progression of police members by rank and gender
 - superannuation lump sum payments of female police members and PSOs (using internal Victoria Police data).

This analysis found that a range of factors affect the quantum of an employee's superannuation lump sum payment and that there are complex factors that contribute to the decision of women to remain in a role or not to seek promotion. These factors include harmful workplace experiences and sex discrimination.

The Commission advised Victoria Police to consider the findings of the June 2017 Commonwealth Senate Finance and Public Administration Committee report on gender segregation and its impact on women's economic equality.⁴³ We suggested Victoria Police continue to work with the government in relation to the review of the Emergency Services and State Super defined benefit superannuation scheme and advocate for any reforms to the scheme as appropriate.

Progress in achieving change

As at March 2019, the review into the Emergency Services and State Super defined benefit superannuation scheme has not been released and the Commission was not aware of any plans to release the findings of this review.

Victoria Police advised the Commission that further work to advocate for gender equality in superannuation has been paused in anticipation of the release of the Emergency Services and State Super defined benefit superannuation scheme review.

In May 2019, the Victorian Government committed to funding a 'comprehensive package of reforms to improve the retirement benefits of police and emergency services personnel' as part of the 2019–20 Victorian state budget.⁴⁴ In early June 2019, the Superannuation Legislation Amendment Bill 2019 was introduced in the Victorian Legislative Assembly,⁴⁵ to implement the recommendations made by the review into the defined benefit superannuation scheme.⁴⁶ The Bill proposes to make certain amendments to the *Emergency Services Superannuation Act 1988* (Vic), including:

- enabling employers of scheme members who have reached the maximum benefit multiple⁴⁷ to pay contributions to an accumulation account, starting at three per cent in 2019–20 and rising to 12 per cent by 2026–27⁴⁸

- providing that a member’s superable salary is maintained following a salary reduction, unless the member advises otherwise⁴⁹
- allowing members to make ‘catch up’ contributions following periods of unpaid leave, such as unpaid parental leave⁵⁰
- increasing the death benefit payable to police recruits without dependents.⁵¹

The proposed reforms will support emergency services employees approaching retirement, which may also benefit police women towards the end of their careers.

The Commission acknowledges that the Victorian Government is committed to gender equality and working with Victoria Police to improve superannuation outcomes for women. The government’s position is that there are no ‘inherent gendered drivers of superannuation inequality’ in the defined benefit scheme. Therefore, the government proposes to address superannuation gender inequality through reforms to workplace patterns and remuneration of women and men in Victoria Police.

The Commission is unable to comment on the findings of the review into the defined benefit scheme, including that the defined benefit superannuation scheme does not contain gendered drivers of superannuation inequality, as the review and its findings are not public. We emphasise that there is a unique opportunity presented in these reforms to ensure that women in Victoria Police are not disadvantaged in their retirement and to consider how gender inequality affects the workplace patterns and remuneration of women and men.

For example, there is an opportunity to implement best practice responses to address gender inequality in superannuation, such as paying employer contributions during periods of unpaid parental leave.⁵² While not required by law, organisations are increasingly providing superannuation contributions to staff during periods of unpaid parental leave.⁵³

On the information available, the proposed reforms do not address the findings, recommendation and further guidance made by the Commission in the reports on phases 1 and 2 of the independent review.

What measures are still needed?

The Commission urges the Victorian Government to make the gender impact findings of the defined benefit superannuation scheme review available to Victoria Police, to enable the organisation to advocate for increased gender equality in superannuation.

The Commission reiterates that legislative reform to the Emergency Services Superannuation Act is a key opportunity to consider the findings of the gender impact review. This includes any best practice measures to address gender inequality in superannuation and redress the current and historic superannuation benefit gap affecting women in Victoria Police (see Recommendation 10 in Chapter 10).

Based on the findings set out above, the Commission concludes that work to implement Recommendation 17 is in planning.

RECOMMENDATION 17

Reducing the superannuation gap for women

In planning

Notes

- 1 Victoria Police, *Gender Equality Strategy and Action Plan 2017–2020* (State of Victoria, 2017) 3; Victorian Government, *Safe and Strong: a Victorian Gender Equality Strategy* (State of Victoria, 2016) 7.
- 2 Noting that in 2015, that the figure of 51 per cent female recruits was calculated using data for the first half of 2015. Noting that in 2007 Victoria Police came close to achieving gender equality in recruit squads for that year, with 48 per cent female recruits.
- 3 Noting that in 2015, that the figure of 14 per cent female PSO recruits was calculated using data for the first half of 2015.
- 4 Victoria Police, *Gender Equality Strategy and Action Plan 2017–2020* (State of Victoria, 2017) 11.
- 5 Victorian Government, *Safe and Strong: a Victorian Gender Equality Strategy* (State of Victoria, 2016).
- 6 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 174.
- 7 The Victoria Police values are safety, integrity, leadership, flexibility, respect, support and professionalism. See Victoria Police, *Annual Report 2017–2018* (State of Victoria 2018) 4. Victoria Police's professional and ethical standards, also known as the Code of Conduct, 'reflect[s] and reinforce[s]' these values. See Victoria Police Manual, *Policy Rules: Professional and ethical standards* (2016) 1–2.
- 8 Victoria Police informed the Commission that its methods of calculating the pass and fail rates of applicants at each recruitment gateway, and the overall conversion rate of applicants who are successfully inducted as recruits contains a margin of error, for example, because an applicant passes all stages of recruitment but declines their recruitment offer for personal reasons. This means that the number of women and men who pass each recruitment gateway, or successfully become recruits, may be slightly higher or lower, however Victoria Police was unable to provide the Commission with the exact margin of error. Victoria Police informed the Commission that it is currently reviewing its methods of calculating the pass and fail rates of recruits at each recruitment gateway and overall conversion rates for applicants, and this change will be implemented later in 2019, enabling a more accurate conversion rate.
- 9 The phase one review did not contain data on the number of applicants, therefore a comparison between these years is not possible.
- 10 Across the review period, more men than women have progressed across recruitment gateways. This trend has been reflected in every financial year since 2015.
- 11 Paula McDonald, 'Workplace Sexual Harassment 30 Years On: A Review of the Literature (2012) 14 *International Journal of Management Reviews* 1, 4; Serena Does, Seval Gündemir and Margaret Shih, 'Research: How Sexual Harassment Affects a Company's Public Image' (June 2018) *Harvard Business Review*, <<https://hbr.org/2018/06/research-how-sexual-harassment-affects-a-companys-public-image>>; Seval Gündemir, Serena Does and Margaret Shih, 'Public Backlash Against Sexual Harassment and What Organisations Can Do About It (Working Paper, *UCLA Anderson Review*) 14.
- 12 Victoria Police, *Recruitment Gender Options Paper* (internal policy paper, 25 September 2018) 4.
- 13 Victorian Government, *Community Safety Statement 2017* (State of Victoria, December 2016) 10.
- 14 Noting that this does not specify sexual harassment, sex discrimination, predatory behaviour or victimisation, although it may include those reasons.
- 15 See for example, Fair Work Ombudsman, 'Flexible working arrangements', Employee entitlements (December 2018) <<https://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/flexible-working-arrangements>>.
- 16 Victorian Equal Opportunity and Human Rights Commission, *Building equality in the workplace: Family Responsibilities Guidelines for Employers and Employees* (State of Victoria, 2012) 3; Victorian Equal Opportunity and Human Rights Commission, 'Chapter 4: Workplace discrimination related to flexible work arrangements' in *Raise It!: The Foundations – A summary evidence review of workplace interventions targeting sexual harassment and workplace equality* (State of Victoria, 2019).
- 17 Workplace Gender Equality Agency, *Flexible working is good for business: The Business Case* (February 2019) 4; S. Harvey et al, *Developing a mentally healthy workplace: A review of the literature: a report for the National Mental Health Commission and the Mentally Healthy Workplace Alliance* (Report by the UNSW School of Psychiatry, Black Dog Institute and the UNSW Australian School of Business, November 2014) 32.
- 18 McKinsey & Company and Workplace Gender Equality Agency, *Women in leadership: Lessons from Australian companies leading the way* (November 2017) 13–15; Workplace Gender Equality Agency, *Flexible working is good for business: The Business Case* (February 2019) 2–3.
- 19 Workplace Gender Equality Agency, *Flexible working is good for business: The Business Case* (February 2019) 2.

- 20 Bain & Company and Chief Executive Women, *What stops women from reaching the top? Confronting the tough issues* (2011) 15.
- 21 Workplace Gender Equality Agency, *Flexible working is good for business: The Business Case* (February 2019) 3.
- 22 Victorian Government, *Safe and Strong: a Victorian Gender Equality Strategy* (State of Victoria, 2016) 34.
- 23 Nous Group and the Victorian Government, *Flexible work, good for business? Modelling the bottom line impact of flexible work for the Office of Prevention and Women's Equality (OPWE)* (March 2018) 4; Tanya Smith, *The benefits of flexible workplaces: From intuition to evidence* (Nous Insight, undated, online) <<https://www.nousgroup.com/insights/benefits-flexible-workplaces-intuition-evidence>>.
- 24 Victoria Police's central recording of flexible work includes parental leave. The Commission notes that parental leave is not a form of flexible work but is rather an entitlement to a particular form of leave.
- 25 This is due to the fact that Victoria Police only commenced centrally recording flexible work in 2017. To determine if there was a trend towards increased flexible work, more than two years data would be required.
- 26 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 61–62.
- 27 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 63.
- 28 Iris Bohnet and Jeni Klugman, *Behavioural insights & gender equality: The second VicHealth Leading Thinkers residency* (VicHealth, State of Victoria, 2017) 11.
- 29 Iris Bohnet and Jeni Klugman, *Behavioural insights & gender equality: The second VicHealth Leading Thinkers residency* (VicHealth, State of Victoria, 2017) 15.
- 30 Harvard Business Review, 'Designing a Bias-Free Organisation: Interview with Iris Bohnet (Gardiner Morse, *Harvard Business Review*, July-August 2016) <<https://hbr.org/2016/07/designing-a-bias-free-organization>>.
- 31 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: an evidence review* (Crime and Justice Research Centre Report, Queensland University and VicHealth, 2018) 5.
- 32 Susan Robinson, 'Rethinking Recruitment in Policing in Australia: Can the Continued Use of Masculinised Recruitment Tests and Pass Standards that Limit the Number of Women be Justified?' (2015) 3 (2) *Salus Journal* 34, 37; Amie M. Schuck, 'Female Officers and Community Policing: Examining the Connection between Gender Diversity and Organisational Change (2017) 27 *Women & Criminal Justice* 341, 346.
- 33 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 62; Susan Robinson, 'Rethinking Recruitment in Policing in Australia: Can the Continued Use of Masculinised Recruitment Tests and Pass Standards that Limit the Number of Women be Justified?' (2015) 3 (2) *Salus Journal* 34, 47.
- 34 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 62.
- 35 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 62.
- 36 T. Prenzler, 'Equal employment opportunity and policewomen in Australia' (1995) 28 (3) *Australia and New Zealand Journal of Criminology* 258; T. Whetstone, 'Copping out: why police officers decline to participate in the sergeant's promotional process' (2001) 25 (2) *American Journal of Criminal Justice* 147; Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 62.
- 37 Katherine Stuart van Wormer and Clemens Bartollas, *Women and the Criminal Justice System* (4th ed) (Pearson, 2014) 310; Susan Robinson, 'Rethinking Recruitment in Policing in Australia: Can the Continued Use of Masculinised Recruitment Tests and Pass Standards that Limit the Number of Women be Justified?' (2015) 3 (2) *Salus Journal* 34, 47.
- 38 The Commission notes that there are very few women at the VPS 1 grade.
- 39 Workplace Gender Equality Agency, *Women's economic security in retirement* (2017) 8–9.
- 40 Workplace Gender Equality Agency, *Women's economic security in retirement* (2017) 4.
- 41 Workplace Gender Equality Agency, *Women's economic security in retirement* (2017) 9.
- 42 Workplace Gender Equality Agency, *Women's economic security in retirement* (2017) 9.
- 43 Senate Finance and Public Administration References Committee, *Gender segregation in the workplace and its impact on women's economic equality* (June 2017). For example, the report recommended a guarantee that superannuation is paid during parental leave.
- 44 Victorian Government, *Delivering For All Victorians: Victorian Budget 19/20, Service Delivery* (Budget Paper No. 3 Presented by Tim Pallas MP, Treasurer of the State of Victoria, 2019) 117.
- 45 Victoria, Parliamentary Debates, *Legislative Assembly*, 4 June 2019 (Robin Scott).
- 46 Victoria, Parliamentary Debates, *Legislative Assembly*, 4 June 2019 (Robin Scott).

- 47 The 'maximum benefit multiple' refers to the multiple of 7.5 times of a members Final Average Salary, where members need to contribute at the maximum rate of 7 per cent for 30 years: ESS Super, ESSS DB Fund Members- Frequently asked questions about your benefit Factsheet (undated) 1.
- 48 Superannuation Legislation Amendment Bill 2019 (Vic) cl 5.
- 49 Superannuation Legislation Amendment Bill 2019 (Vic) cl 3.
- 50 Superannuation Legislation Amendment Bill 2019 (Vic) cl 4.
- 51 Superannuation Legislation Amendment Bill 2019 (Vic) cl 8.
- 52 Workplace Gender Equality Agency, *Developing a Leading Practice Parental Leave Policy: A guide for employers* (August 2018) 2.
- 53 For example, the Australian National University commenced providing superannuation contributions for periods of unpaid parental leave of up to 26 weeks in March 2019, *Australian National University, Factsheet: Superannuation on Unpaid Parental Leave* (undated) 1; in 2017 Viva Energy Australia became the first Australian company to provide employees a full-time 12 per cent superannuation contributions for up to five years during unpaid parental leave and part-time work periods, Viva Energy Australia, 'Viva Energy becomes first Australian company to pay full super benefit to part-time parents for five years' (Media Release, 2017).

Chapter 7. Strengthening capability

Key points

- Victoria Police has made significant strides towards strengthening employee and organisational capability to create a safe, respectful and inclusive workplace and embed gender equality.

Victoria Police is promoting gender equality through education

- Victoria Police has made concerted efforts to improve the accessibility of its training programs, including reviewing how, when and where training is delivered. Further work is needed, though, to improve training accessibility for regional employees.
- The delivery of online workplace harm training has been implemented across the organisation, with 19,679 employees having completed it as of April 2019. Feedback on the accessibility and content of this training has been positive overall.
- There has been an initial rollout of face-to-face workplace harm training to police and VPS managers and supervisors. Further face-to-face training will be delivered to all other employees by the end of 2020.

Victoria Police is providing a safer and more respectful learning environment, but more work is needed so that women feel safer from sex discrimination and sexual harassment

- Relatively few recruits or probationary constables who participated in the Commission's employee survey had experienced sexual harassment or sex discrimination, compared with other Victoria Police employees: 5.2 per cent of recruits or probationary constables who responded reported experiencing sexual harassment and 2.2 per cent reported experiencing sex discrimination.
- 75.5 per cent of recruits and probationary constables who responded to the Commission's survey question reported feeling very or extremely respected at work.
- Men were significantly more likely than women to report feeling safe from both sexual harassment (97.9 per cent of men reported feeling 'very' or 'extremely' safe, compared with 79.7 per cent of women) and sex discrimination (91.7 per cent of men compared with 69.1 per cent of women).
- Six recruits either themselves resigned or were terminated from their training at the Academy after behaving inappropriately towards women.

Victoria Police has begun work to embed better responses to workplace harm through performance management

- Victoria Police is transitioning to a new Professional Development and Assessment system that will reform employee performance measures.
- Inclusive management and interpersonal skills are now part of selection criteria for managers and supervisors in Victoria Police.

Victoria Police has partnered with people management experts to support local managers and supervisors to respond effectively to workplace harm

- In late 2018, Victoria Police appointed eight human resource business partners to support local managers and supervisors to respond effectively to workplace harm. These partners have the potential to support the organisation to address a clear capability gap in how local managers and supervisors respond to harm.

Chapter 7 assesses the impact of Victoria Police’s work to promote gender equality through training and strengthen the management of risks in the organisation’s learning environment. It also assesses the impact of Victoria Police’s work to improve responses to workplace harm through performance management and make use of people management expertise.

As set out in this chapter, the Commission concludes that Victoria Police:

- has implemented Recommendation 9 to promote gender equality through training and Recommendation 10 to strengthen the management of risks in its learning environment
- has implemented to a significant extent Recommendation 15, which required it to make use of people management expertise to support managers to build more gender equal workplaces and respond appropriately to workplace harm
- is planning work to improve responses to workplace harm through performance management, in line with Recommendation 12.

RECOMMENDATION 9	Promoting gender equality through training	Implemented
RECOMMENDATION 10	Strengthening risk management in the learning environment	Implemented
RECOMMENDATION 12	Improving responses to workplace harm through performance management	In planning
RECOMMENDATION 15	Making use of people management expertise	Implemented to a significant extent

7.1 Promoting gender equality through education

Training and education are critical levers for change for Victoria Police to achieve gender equality and address high levels of workplace harm.¹ First, facilitating women’s access to training and skills development enables them to further their careers and progress in the organisation. Second, incorporating gender equality and workplace harm education into employee training will ensure that all employees have the awareness and skills to foster a safe and respectful workplace culture – a core competency. It also sends a clear message to employees that the organisation places a high value on creating and maintaining safe and respectful workplaces.

Equal access to training for women builds skills and confidence to take on new responsibilities, apply for promotion and navigate the workplace; allows women to upskill; and increases their retention.² In Victoria Police, the link between training and career progression is particularly clear, as employees must take part in certain training programs to demonstrate the capabilities and experience needed to be formally appointed at a higher rank. Ensuring that training programs are accessible to everyone, whether they work flexibly, have caring responsibilities or live in rural or regional Victoria, is key to ensuring equality across the organisation. Access to training to support women’s career development and progression is therefore vital to make Victoria Police an employer of choice for women.³

Recommendation 9 recognises the importance of training and education in achieving gender equality in Victoria Police. The training environment and the nature of on-the-job learning are part of the organisational socialisation process of how employees learn attitudes and values.⁴ To reduce workplace harm, Victoria Police must ensure that the content of all training programs reflects the evidence on gender inequality and workplace harm and enhances employee capability to foster safe and respectful workplaces.

Section 7.1 discusses the progress made by Victoria Police in implementing Recommendation 9.

- Section 7.1.1 focuses on Victoria Police’s work to improve the content and accessibility of the organisation’s training.
- Section 7.1.2 examines the steps taken by the organisation to deliver workplace harm training.

7.1.1 IMPROVING TRAINING CONTENT AND ACCESSIBILITY

What we found in 2015

In 2015, the Commission identified aspects of Victoria Police’s training and education system that disadvantaged women. This included structural barriers that impaired the ability of employees on flexible working arrangements, with parental or carer responsibilities or in regional or rural locations to access training. Women were particularly disadvantaged, with these barriers in turn limiting their access to promotional opportunities (see Chapter 6).

Recommendation 9 called on Victoria Police to improve the accessibility of the organisation’s training programs, particularly for the cohorts above. We also urged the organisation to establish an academic governance structure that included independent advisors with expertise in preventing and responding to workplace harm to oversee this work.

What we found in 2017

In 2017, the Commission found that Victoria Police had taken steps to improve the accessibility of the organisation’s training programs, including:

- defining ‘accessibility’ and establishing evaluation criteria to assess the accessibility of its programs
- identifying the barriers that male and female employees face in accessing training (for example, working part-time or flexibly, caring responsibilities and living in a regional or rural location)
- analysing how other policing organisations have improved accessibility
- establishing an Academic Governance Board to guide the work being undertaken to implement Recommendation 9 and Recommendation 10
- evaluating the People Development Command curriculum content on gender equality and workplace harm.

The Commission advised Victoria Police to:

- further improve training accessibility while the organisation made larger changes to the delivery of training (for example, delivering training in regional centres)
- apply the learnings of pilot programs to increase training accessibility
- continue to build on its community of practice, to strengthen its understanding of how other police organisations improve access to training
- improve the overall quality of People Development Command’s training programs.

Progress in achieving change

Improving the content of training programs

Since 2017, Victoria Police has been creating tools to enable educators from People Development Command to develop and regularly review training content. For example, the organisation has developed three checklists that cover:

- equality principles for all foundation training session plans, requiring educators to ensure that all content is free from stereotypes and unconscious bias and that training is safe, inclusive and respectful for all learners⁵

- adult learning principles, requiring educators to ensure that all training content adheres to these principles and that the content is relevant to the audience
- victim-centricity, requiring educators to ensure that training content relating to victims of crime includes information about treating victims with sensitivity, dignity and respect, and supporting victims and providing them with timely and relevant information.

These checklists, as well as other training tools, are evaluated by the Academic Governance Board, which provides external expertise and oversees training content development:

The [Academic Governance Board] have a lot of external experience and they have been able to assist us in guidance and suggestions in relation to those programs. Continuous improvement is a part of that process. We believe we have been able to deliver best practice training based on the experiences of others, what works here, and what works in other places.

Improving the accessibility of training programs

Since 2017, Victoria Police has also made a concerted effort to further improve the accessibility of its training programs. As set out in Table 23 below, multiple courses have already been reviewed and redesigned, while others are under review.⁶ Accessibility has been a focus of each review, to a greater or lesser extent.

Table 23 – Efforts to improve the accessibility of training programs

Courses that have changed	Types of changes
<ul style="list-style-type: none"> • Detective Training School course (now Advanced Diploma of Police Investigation)⁷ • Family Violence Analyst Induction Training Program • Senior Sergeant Qualifying Program (now part of Police Manager Qualifying Program) • Inspector Qualifying Program (now part of Police Manager Qualifying Program) 	<ul style="list-style-type: none"> • Adopting a modularised approach, allowing courses to be completed over a longer period • Less face-to-face class time • More online and virtual classroom learning • More pre-training work • Enabling distance learning • Courses for employees who work part-time • Access to the learning hub from any location or any device

Victoria Police is using the evaluation of past pilot programs to improve accessibility when developing new courses. For example, the organisation redesigned the Prosecutor Training Course to reduce the required face-to-face learning by using online learning. This model has also been applied in the redesign of the Centre for Crime Investigation diploma. Victoria Police has indicated that this is expected to be the first of many such reviews of past pilots through the lens of accessibility.

Victoria Police is also leveraging internal knowledge through community of practice forums. These provide a space for different units to share information regarding accessibility, including issues raised by employees, successes and ongoing barriers.

Impact of reform

Victoria Police’s efforts to improve the content and accessibility of its training programs have already had a positive impact, even though this work is in progress.

The Commission heard from participants that changes to improve accessibility, such as offering courses for part-time employees and requiring less face-to-face time, have reduced barriers to participation. We know that this greater access will open progression and other opportunities that flow from having completed those courses.

We used to do six weeks of face-to-face [training], [but now we have] online learning and videos ... [and] video conferencing capability, [we] want to make sure that the mother in Swan Hill who wants to be a detective isn't required to be at the Academy.

We have also embarked on a tertiary relationship with [the University of Tasmania]... It will add more flexibility and opportunities to people who are promoted to senior sergeant and inspector rank. They get enrolled after they are promoted and can step in and step out of the course as they go.

I think things are progressing ... the Centre for Crime Investigation (Detective Training School) is changing their delivery structure and progressing to training that is more accessible for females ... [and] a number of other centres of learning are evolving their delivery structure to ensure it's accessible to those with children or from the country.

Still, participants told us – and Victoria Police itself has acknowledged – that further work is needed to remove ongoing barriers to training accessibility. Notably, work location was the most common accessibility barrier reported by participants who responded to the Commission's survey.⁸

Regional employees continue to face barriers in accessing training

- Survey participants living in regional Victoria were twice as likely as participants living in Melbourne to tell us that their location affected training accessibility: 60.3 per cent of 1089 regional survey participants, compared to 31.7 per cent of the 3406 metropolitan survey participants, said their location had a moderate or greater impact on their access to training.⁹
- Female survey participants living regionally were more likely (65.1 per cent) than their male counterparts (57.8 per cent) to tell us that their location affected training accessibility.

In our interviews and focus groups, rural and regional participants explained that attending training in Melbourne required them to leave family for extended periods:

The reality is when you are regional, you are all required to be away from home for weeks and that's an added challenge.

Living outside of metropolitan Melbourne appeared to particularly affect the training opportunities of women. In our phase 3 survey, more women than men said that living in a regional or rural location affected their access to training. Consistent with these survey findings, one focus group participant told us about the challenges of living in a rural location and having caring responsibilities.

I'm a sole parent without family around. Over five years, there's been many things I've missed out on. When you have a primary school-age child, you can't [attend training] ... We live in the country by choice but ... we haven't got everything as accessible as [our] city counterparts, we're [the] poor cousins.

Participants also told us that regular work duties can be a barrier to training:

The competition between professional development [versus] front-line and [business as usual] duties is a problem. There is a 'do more with less' attitude.

The Commission acknowledges that Victoria Police must balance the professional development needs of its employees with service delivery demands, particularly for front-line police members and PSOs. These challenges have also been acknowledged in the health sector, where hospitals must balance the training needs of medical staff with patient care requirements.¹⁰

What measures are still needed?

We urge Victoria Police to ensure that its work to improve the content and accessibility of its training programs is adequately resourced and prioritised on an ongoing basis and that it occurs in a systematic and coordinated manner.

7.1.2 DELIVERING WORKPLACE HARM TRAINING

What we found in 2015

In 2015, the Commission found that organisational understanding of sex discrimination and sexual harassment was low and there was capability gap in identifying and responding to this behaviour, particularly among managers and supervisors. We also found that Victoria Police lacked expertise related to these unlawful behaviours, which impaired the organisation's ability to train its employees adequately.

Recommendation 9 called on Victoria Police to work with subject matter experts to develop and deliver face-to-face training on workplace harm. We suggested the training should cover gender equality, the drivers and impacts of workplace harm and how to identify and respond appropriately to the harm, including as witnesses. We recommended that the training be compulsory and conducted annually for managers and supervisors and bi-annually for other employees.

What we found in 2017

In 2017, the Commission found that Victoria Police had begun planning the delivery of its workplace harm training. We noted with concern that Victoria Police had indicated that it would provide the training online, rather than face-to-face, as we had recommended, and reminded the organisation of the limits of using online training by itself to promote cultural change.

The Commission therefore advised Victoria Police to review the risks associated with online delivery of the training and explore options for face-to-face delivery. We also reminded the organisation of the importance of ensuring that any external partners engaged to deliver the training are subject matter experts.

Progress in achieving change

Victoria Police has since made significant progress in the initial delivery of workplace harm training across the organisation. Considering the Commission's earlier advice, the training has included a combination of online and face-to-face delivery (see Table 24 below).¹¹

Table 24 – Delivery of online and face-to-face workplace harm training

	Online packages ¹²	Face-to-face modules
Started	Oct 2018	‘Respect and Equality at Work’ (external training): Jun 2017 ‘It’s About Respect’ (facilitated workplace discussions): Feb 2019
Delivered	19,679 employees as at Apr 2019 ¹³	‘Respect and Equality at Work’: 1442 employees as at Apr 2019 (VPS and police member managers and supervisors) ‘It’s About Respect’: 252 employees as at Apr 2019
Frequency	One-off	All employees are expected to undertake face-to-face workplace harm training bi-annually
Future delivery	Plans afoot to develop online modules that focus on other types of workplace harm and contain specific guidance for managers and supervisors	Victoria Police is exploring options to ensure the delivery of the initial round of face-to-face training to all remaining employees in the organisation by Dec 2020, but there are no plans for its ongoing delivery beyond 2020 ¹⁴ Victoria Police intends that delivery of the training will be provided by a joint VPS and police member facilitation team ¹⁵

Victoria Police has set up a monitoring and evaluation framework to assess the effectiveness and employees’ experiences of the online and internal face-to-face training modules through employee feedback. The organisation asks employees to evaluate the online training module via a survey at the end of the module and two months later. At the time of writing, Victoria Police had not yet collected evaluation data for the internal face-to-face training, as it has only recently been deployed.

Impact of reform

The Commission commends Victoria Police for the significant progress made in the initial delivery of workplace harm training and the high levels of engagement so far. It is a noteworthy achievement that as at April 2019, the online module had been completed by 91.7 per cent of the organisation.

The information shared during both modules is critical for helping to improve the organisation’s knowledge of, and ability to respond effectively to, sex discrimination and sexual harassment. Employee evaluations of the online training module already point to improved understanding, while also suggesting there is scope to strengthen the training content.

Employee evaluation of the online workplace harm training module

Data provided by Victoria Police as at October 2018 showed that:

- most employees generally responded positively to the online workplace harm training
- 85 per cent of the 8000 employees who had completed the survey at that time agreed or strongly agreed that the training was easy to understand¹⁶
- 67 per cent of respondents agreed or strongly agreed that the training increased their understanding of their rights and responsibilities regarding workplace harm
- 53 per cent of respondents said that the training gave them more confidence to act if they saw inappropriate behaviour
- 31 per cent agreed or strongly agreed that they learned something new during the training
- 30 per cent agreed or strongly agreed that they were more likely to do something different in future because of the training.

The Commission notes feedback from some participants who expressed concerns, like those we expressed in phase 2, regarding the limits of using online training to achieve cultural change – further underscoring the importance of ensuring the continued delivery of face-to-face training.

[T]he amount of times I see people pressing play and then they are on their phones. [It's] just something we have to tick off. The really important issues when it comes to [workplace harm] should be face-to-face.

[Online learning] is great when it comes to uplifting knowledge, but it is never going to achieve cultural change ... You can't change hearts and minds with an online learning package.

What measures are still needed?

The Commission urges Victoria Police to incorporate the online workplace harm training module as part of the induction for all new employees, to ensure that as many employees as possible complete the training. In addition, the organisation should clarify plans for future online training that is expected to provide specific guidance for managers and supervisors.

The additional face-to-face workplace harm training required to complete the initial rollout, as well as the ongoing training beyond that, should be best practice, adequately resourced and facilitated by subject matter experts. It should be subject to ongoing monitoring and evaluation to ensure it is effective and responsive to the organisation's evolving needs. The evaluation process would be further improved by making use of both pre- and post-completion self-assessment surveys to better assess knowledge uplift. In addition, completion rates and self-assessment data should be reported on annually as part of the GESAP.

Victoria Police should also consider tying completion of mandatory workplace harm training – the one-time online module, annual face-to-face training for managers and supervisors and bi-annual face-to-face training for all other employees – to progression. This would mean that an employee would be unable to progress if they have not completed the required training. In considering this, Victoria Police must be sensitive to the issues raised in Section 7.1.1 regarding access to training.

Noting the findings above, the Commission concludes that Victoria Police has implemented the intent of Recommendation 9.

RECOMMENDATION 9

Promoting gender equality through training

Implemented

7.2 Strengthening risk management in the learning environment

The Academy plays a crucial role in efforts to change the organisation's culture and promote gender equality. It is where recruits learn how to perform their role, from acquiring key policing skills to learning what is valued and what standard of behaviour is expected.¹⁷ In this sense, the training and learning process in the Academy is also a socialisation process where new recruits develop their identities as police members.¹⁸ For this reason, there is also an asymmetrical power dynamic in the learning environment. Educators at the Academy effectively act as influential role models for new recruits, who may be impressionable and vulnerable to harm due to lack of experience and desire to fit in and perform their role well. Reducing the risk of workplace harm in this environment and developing educators' understanding of gender inequality, workplace harm and professional boundaries are essential to developing a culture of safety and respect in Victoria Police from the ground up.

To strengthen the role of the Academy as a centre for excellence in adult learning and a safe and professional learning environment for new recruits, the Commission issued Recommendation 10. This recommendation called on Victoria Police's People Development Command to review its approach to professional boundaries training and the selection and tenure of teaching staff and field coaches, and to take steps to understand new recruits' perspectives of their personal safety in the Academy.

Section 7.2 discusses Victoria Police's efforts to strengthen risk management in the learning environment, pursuant to Recommendation 10.

- Section 7.2.1 details the organisation's steps to reduce the risk of workplace harm in the learning environment.
- Section 7.2.2 analyses its work to ensure a safe and respectful learning environment.

7.2.1 REDUCING THE RISK OF WORKPLACE HARM IN THE LEARNING ENVIRONMENT

What we found in 2015

In 2015, the Commission found that there had been a history of some educators at the Academy abusing their positions of power. This included engaging in sexual harassment and predatory behaviour and compromising their professional objectivity by engaging in intimate relationships with recruits and probationary constables. We found that recruits and probationary constables were particularly vulnerable due to their commitment to the role and concerns about not being suitable to perform their role well, or not fitting into Victoria Police.

In Recommendation 10, the Commission called for People Development Command to take further steps to strengthen its identification and treatment of risks in the learning environment. We also called for a victim-centric reporting process within the Academy for victims/survivors of workplace harm.

What we found in 2017

In 2017, the Commission found that Victoria Police had:

- reviewed the existing risk identification and management process in People Development Command
- developed a robust risk management framework based on best-practice principles, including a greater focus on proactive risk identification.

In addition, we found that more recruits and probationary constables were seeking support and guidance regarding welfare issues.

To further strengthen its risk management, we suggested that Victoria Police:

- align the risk management framework with the Victoria Police Mental Health Review
- add further controls to the framework so identified risks and gaps in employee knowledge informed professional boundaries and workplace harm training
- consider incorporating a formal risk management function review into the Academic Governance Board's role
- improve recruit and probationary constable awareness of reporting pathways
- ensure that workplace harm complaints made by recruits and probationary constables are handled in a victim-centric manner (for example, confidentially).

Progress in achieving change

Victoria Police has continued to take steps to strengthen the organisation's management of risks in the learning environment. For example, the organisation:

- now provides police recruits with information about expected values and behaviours, workplace harm, the review, reporting pathways and Stand
- ensures recruits receive presentations from the Foundation Conduct Unit, Taskforce Salus and Professional Standards Command about their roles, reporting pathways and support services
- provides police recruits with an information guide that details reporting pathways and support services
- now promotes reporting pathways and support services through posters at the Academy and 'Academy TV'
- began delivering training to PSO recruits in 2018 on the review and related issues, such as workplace harm, support services, reporting pathways and professional relationships
- now provides PCO recruits with information about expected values and behaviours, reporting pathways and the review
- is developing an online complaints portal for recruits and, as part of this work, is exploring the feasibility of an option to report workplace harm anonymously
- has asked its relevant project team to consider the links between the organisation's Mental Health Review and its risk management framework, with a view to incorporating changes to the framework.

However, Victoria Police has indicated that the organisation does not intend to expand the Academic Governance Board's role to include a formal risk management function, as risks are already regularly presented to the board for discussion.

Impact of reform

The Commission commends Victoria Police for its wide-ranging efforts to strengthen risk management in the learning environment. In particular, we welcome the various steps taken to educate and inform all new recruits about expected values and behaviours, as well as the pathways to report and respond to inappropriate behaviour in the workplace. This education and training, along with Victoria Police's focus on risk management in the learning environment since phase 1, have had a positive impact on recruits' experience of the Academy (see Section 7.2.2).

Ongoing investment in this education and training will likely lead to long-term positive impacts across the workforce, through increased awareness of values and behaviours and how to respond and seek help should employees experience or witness workplace harm. This is because each generation of recruits that graduates from the Academy and enters Victoria Police workplaces will help to set the tone and culture in their work environment and reinforce the organisation's vision for a safe and respectful workplace culture.

We welcome Victoria Police's steps to develop an online complaints portal for recruits, but we encourage the organisation to carefully consider the feasibility of anonymous reporting. While anonymous reporting might offer some benefits in encouraging recruits who might fear reprisal to raise concerns they might otherwise not report, anonymous reporting still poses some challenges. The Commission encourages Victoria Police to carefully consider how it would respond to anonymous reports.

What measures are still needed?

The Commission considers that Victoria Police has implemented the intent of this aspect of Recommendation 10. We encourage the organisation to maintain its investment in managing risks in the Academy and educating and informing its incoming recruits. If the organisation decides to pursue and promote anonymous reporting, it should carefully assess how the organisation can best respond to complaints received that way.

What we found in 2015

In 2015, the Commission noted that Victoria Police had undertaken work to:

- enhance the understanding of Academy educators regarding professional boundaries and respectful interactions
- challenge a culture of inappropriate behaviour and misuse of power, with an expectation that educators and recruits demonstrate the organisation's values.

However, we found that inappropriate behaviours based on power imbalances between educators and recruits had continued to occur. The Commission noted in phase 1 that Victoria Police had a practice of not wanting to 'police' consensual relationships between adults, however we heard continuing instances of relationships involving what we would consider abuses of power. For instance, in the training environment (and the hierarchical culture of the organisation), intimate relationships between higher ranking educators and recruits wanting to fit in, reflected poorly on the professionalism and objectivity of educators.

The Commission also found that 'field coaches'¹⁹ were nominated by their workplaces and not subject to specific selection criteria or a consistent selection process. As a result, they did not always provide the best learning support for probationary constables or model the organisation's expected values and behaviours. This risked undermining probationary constables' learning, as they transitioned from the learning environment to the wider workforce.

In Recommendation 10, the Commission urged Victoria Police to update its professional boundaries course – designed to increase educators' understanding of, and ability to respond to, power imbalances – to include a greater focus on workplace harm and gender equality.

We also recommended that Victoria Police introduce a maximum time in position for police and PSO educators in the Academy. Our view was that introducing limited tenure for educators would increase the likelihood of police members and PSOs seeking to become educators as a professional development and growth opportunity, rather than a quasi-retirement option.

We also recommended strengthening the selection process for field coaches to ensure probationary constables entering the work environment would be supported by dedicated and capable mentors.

What we found in 2017

In 2017, the Commission found that Victoria Police had:

- started developing a new professional boundaries program
- created continuous professional development plans for new police member and PSO educators
- implemented a maximum time in position for police member and PSO educators and a related communications strategy
- developed new selection criteria and processes for field coaches.

We advised Victoria Police to evaluate the professional boundaries program and provide additional guidance to managers regarding maximum time to ensure consistent implementation of the policy and adequate support for the career development of educators. We further advised Victoria Police to consider additional ways to monitor and evaluate Designated Training Workplaces to ensure that they are safe and respectful environments. Lastly, we urged the organisation to make robust probity checks part of the selection process for field coaches to identify prospective candidates who have history of workplace harm.

Progress in achieving change

Since 2017, Victoria Police has continued to implement measures to improve safety and respect in the organisation's learning environment.

Making the Academy safer

In 2018, Victoria Police delivered the first part of the organisation's professional boundaries training to all managers, supervisors and educators in People Development Command. The training addressed:

- the meaning of professional boundaries
- the power imbalance between educators and students
- the harms associated with violating those boundaries
- prevention of, and responses to, professional boundaries violations.

Victoria Police evaluated the training through post-session feedback forms and face to-face interviews. Overall, participants responded positively, with the majority finding the content useful and rating their understanding and knowledge of the content highly after the training. Participants especially appreciated the use of real life case studies and provision of practical take-away tools for them to implement in their work environment. Following the training, some participants reported in their evaluation that they observed a noticeable increase in their staff either 'calling out' or reporting inappropriate behaviours by their colleagues and cited examples of the training being put into practice.

The evaluation also resulted in recommendations that were expected to inform the second part of the training, which was set to be delivered in February 2019. These included more time for group discussion and looking at grey areas and practical advice regarding how to reset following a professional boundary crossing.

Making Designated Training Workplaces safer

Victoria Police has also taken steps to improve the monitoring and evaluation of Designated Training Workplaces. It has:

- introduced processes for actively monitoring and, if necessary, suspending sites
- increased the number of reflective surveys probationary constables complete after placements in Designated Training Workplaces
- introduced a quarterly analysis of field coach numbers at Designated Training Workplaces to ensure the ratio of coaches to probationary constables is maintained and there is a consistent approach to training across all sites
- strengthened relationships between the Designated Training Workplace program, Taskforce Salus and Professional Standards Command, including through monthly meetings between the taskforce and the head of the program to discuss any issues and trends regarding Designated Training Workplaces.

In addition, Victoria Police:

- is updating the Designated Training Workplace guidelines to make assessments of the suitability and probity of field coaches mandatory
- reviewed the organisation's field coach training program to ensure it increases knowledge of gender equality, inclusion, professional boundaries and safe, inclusive and respectful workplaces
- is developing an online refresher training program for field coaches to be run annually and will require each Designated Training Workplace site to have a certain number of field coaches who have completed the program in order to maintain their accreditation.

However, it appears that Victoria Police is using site visits to Designated Training Workplaces less frequently, despite the Commission suggesting that the frequency of these visits should be increased. We understand that this is in part due to the Designated Training Workplace unit undertaking a re-accreditation of its sites over the past 12 months, as well as resourcing constraints.

Impact of reform

In 2018, the Commission heard across a range of data sources that Victoria Police has made positive progress towards ensuring a safe and respectful learning environment.

Most of the recruits and probationary constables who responded to the Commission's employee survey reported feeling safe and respected in the workplace and safe from sex discrimination and sexual harassment, although there was a clear gender difference in responses related to sex discrimination and sexual harassment.

How safe and respected do recruits and probationary constables feel?

In the survey, recruits and probationary constables were asked questions about whether they felt safe and respected at work.

- Of the 220 recruits and probationary constables (148 men and 72 women) who responded to the question, 75.5 per cent reported feeling 'very' or 'extremely' respected in their workplace. Responses from men and women to this question were broadly similar.
- There were gender differences in responses to the questions about safety, however. Men were significantly more likely than women to report feeling safe from both sexual harassment (97.9 per cent of men reported feeling 'very' or 'extremely' safe, compared with 79.7 per cent of women) and sex discrimination (91.7 per cent of men compared with 69.1 per cent of women).²⁰

In addition, as noted earlier in this chapter, relatively few recruits or probationary constables who participated in the survey had experienced or witnessed sexual harassment, compared with other Victoria Police employees.²¹

Recruit and probationary constable experiences of sex discrimination and sexual harassment

- Of the 229 recruits and probationary constables who responded to the survey question, 2.2 per cent reported experiencing sex discrimination and 5.2 per cent reported experiencing sexual harassment.
- A slightly higher number of recruits and probationary constables who responded to the question – 9.2 per cent – said that they had witnessed sexual harassment.

The survey results align with evidence the Commission collected across a range of other data sets.

For instance, as detailed in Chapter 6, six recruits either themselves resigned or were terminated from their training at the Academy after behaving inappropriately towards women. In other instances, Victoria Police has tackled recruits' disrespectful behaviour towards women through an individual Professional Standards Development Plan. These plans may require recruits to present to their squad or write an essay about the values of respect and the phase 1 review to maintain their place at the Academy.

During interviews and focus groups, we also heard about increased feelings of safety.

Our educators and students have never had more professional relationships, you can see it in the classrooms. Our recruits will call out bad behaviour, our educators will call out bad behaviour.

The key thing is that in the past [inappropriate behaviour] was not reported, but now it is reported by recruits and by other staff too and their behaviour is now investigated.

However, the evidence indicates that Victoria Police still has some work to do in ensuring a safe and respectful work environment for all new recruits. Female recruits were less likely to report feeling safe from sex discrimination and sexual harassment than their male counterparts. While the Commission is pleased at reflections from participants suggesting inappropriate behaviour is being called out and reported, female recruits' perceptions of safety suggest Victoria Police needs to maintain a focus on prevention and continue to set clear expectations regarding appropriate behaviour.

What measures are still needed?

The Commission commends Victoria Police for this positive progress in ensuring a safe and respectful learning environment.

We encourage the organisation to ensure that site visits to Designated Training Workplaces provide a robust assessment of the workplace to ensure they are safe and in line with values taught at the Academy. At a minimum, all such workplaces should be visited biannually.

We reiterate that Victoria Police should consider introducing random site visits and on-site engagement with probationary constables during visits. The latter would allow for an in-time assessment of any issues or risks and thus enable more proactive management of them. If it is implemented, probationary constables should also be able to use the anonymous reporting mechanism (discussed in Section 7.2.1) while stationed at a Designated Training Workplace.

Based on the findings set out above, the Commission concludes that Victoria Police has implemented Recommendation 10.

RECOMMENDATION 10

Strengthening risk management in the learning environment

Implemented

7.3 Supporting better responses to workplace harm through performance management

An effective performance development system that encourages and rewards expected values and behaviours and also appropriately manages employees when they do not live up to these standards, are key parts of embedding gender equality in Victoria Police. This is particularly important for senior leaders, managers and supervisors. As role models who influence the daily experience of employees, they are central to the effective implementation of the reforms to which Victoria Police has committed.²²

Recommendation 12 recognises that Victoria Police needs to develop its capability to respond to workplace harm and hold its employees accountable for demonstrating inclusive and respectful behaviour. Section 7.3 examines Victoria Police's efforts to implement Recommendation 12 that the organisation use performance management to improve responses to workplace harm.

- Section 7.3.1 details the organisation's work to improve employee and management capability related to workplace harm and gender equality.
- Section 7.3.2 describes Victoria Police's efforts to ensure expected behaviours are modelled by executive level employees.
- Section 7.3.3 analyses the organisation's work to ensure inappropriate behaviours are properly and consistently managed and recorded.

7.3.1 IMPROVING EMPLOYEE AND MANAGEMENT CAPABILITY

What we found in 2015

In 2015, the Commission found that Victoria Police's Professional Development and Assessment system was underused by managers and supervisors as a performance development tool. We also found that the assessment process was not used effectively to improve manager and supervisor capability or encourage and reward leadership and inclusive management skills.

In Recommendation 12, the Commission urged Victoria Police to:

- include workplace equality and respect as a mandatory category for assessment in the organisation's performance appraisals and reward and incentive systems
- consider inclusive management an area of ongoing professional development for all employees, including valuing and respecting the contributions that diverse employees bring to an organisation, trusting, empowering and asking for input from employees, communicating the reasons for decisions and the fair application of policies²³
- include a greater focus on people management skills and leadership in manager and supervisor assessments
- introduce an upwards assessment process.

Our intention in making this recommendation was to ensure the setting of clear expectations related to, and greater accountability for, unprofessional or inappropriate workplace behaviour.

What we found in 2017

In 2017, the Commission found that Victoria Police had taken positive steps to reform the Professional Development and Assessment system. This included:

- reviewing the assessment system
- introducing a mandatory Stand performance objective for senior sergeants and VPS 4 level employees and above, specifically to build a safe, inclusive and respectful workplace free of workplace harm
- training managers and supervisors on discussing expected behaviours as part of performance assessments
- preliminary work to develop and transfer to a new assessment system.

We advised Victoria Police that further implementation work should include exploring ways to make workplace equality and respect a compulsory performance measure for all employees. We further advised the organisation to consider starting work on an upwards assessment process and include inclusive management in selection criteria and professional development.

Progress in achieving change

In 2018, Victoria Police began to transition to a new professional development system to replace the existing Professional Development and Assessment system. During this transition (which is still underway), Victoria Police is taking into account the whole-of-government direction outlining a human capital management system for implementation in Victorian Government departments and agencies.

Victoria Police's goals in this transition are to modernise its relevant policies and processes in keeping with best practice and align its system with changes to human resource systems across the VPS.

The new system will be progressively rolled out over the 2019–20 financial year.

Victoria Police has also ensured inclusive management and interpersonal skills are part of the selection criteria for managers and supervisors, but it has made no further changes to the existing system while the organisation focuses on scoping the new system.

Impact of reform

The redesign of the organisation's Professional Development and Assessment system presents a critical opportunity for Victoria Police. When put into practice, Victoria Police can utilise this system as a tool to guide the learning and development of all employees, but especially its managers and leaders, in accordance with the organisation's vision for a safe and respectful workplace culture. The new professional development system can help Victoria Police move away from a reported practice of recording inappropriate behaviours (without necessarily providing commensurate learning opportunities), to a professional development tool that actively encourages employees to proactively demonstrate how they model the organisation's behaviours and expectations. Victoria Police can then focus on progressing and promoting capable employees who are role models in fostering a positive workplace culture.

Maintaining the current state of the existing system which only includes values-based behaviour for senior sergeant and VPS 4 and above means that Victoria Police is missing the opportunity to encourage individual accountability for staff at lower ranks and VPS levels, who make up the majority of the organisation.

What measures are still needed?

To implement the intent of Recommendation 12, Victoria Police needs to commit to finalising its new professional development system and put it into practice across the organisation. In doing so, the Commission calls on Victoria Police to leverage the new professional development system as a critical tool to measure employees against how they demonstrate organisational values of a safe respectful and gender equal workplace (see Recommendation 12 in Chapter 10).

In the case of managers and supervisors, the Commission also calls on Victoria Police to commit to setting clear performance expectations embedded in key performance indicators measuring managers and supervisors on their ability to build safe and respectful workplaces (see Recommendation 11 in Chapter 10).

7.3.2 MODELLING EXPECTED BEHAVIOURS AT EXECUTIVE LEVEL

What we found in 2015

In 2015, the Commission found that there was a need to ensure that senior leaders exemplified high standards of workplace behaviour. This was particularly important for senior leaders as they are expected to lead by example, take ownership of cultural change and be accountable for their behaviour. We noted that the existing executive performance management agreements could be an effective tool to ensure exemplary behaviours and attitudes are upheld by senior leaders.

In Recommendation 12, we called on the organisation to make changes to executive performance management agreements to include a greater focus on their performance as leaders and role models. We also said that executive level employees should be assessed on their efforts to ensure the development of their employees and foster an equal, safe and respectful organisation.

What we found in 2017

In 2017, the Commission found that the new executive performance management template developed by Victoria Police had achieved the intention of phase 1 regarding executive performance management. This included a key focus on leadership, role modelling Victoria Police's values and demonstrating a commitment to creating and maintaining diverse, safe and respectful workplaces.

The Commission advised Victoria Police to consider how to evaluate whether the changes to the new executive template had resulted in greater accountability of executive level employees.

Progress in achieving change

Victoria Police has since participated in a Victorian Public Sector Commission review of executive performance. As the Victorian Public Sector Commission is in the process of reforming executive officer classifications, remuneration and performance planning, Victoria Police informed the Commission that it has not conducted any evaluation of their existing internal executive template. Instead, Victoria Police will explore how executive performance can be integrated in the new performance development system after the Victorian Public Sector Commission concludes its review.

Impact of reform

It is too early to assess the impact of any changes to executive performance or whether they have improved accountability for upholding exemplary workplace behaviours. Given that the Victorian Public Sector Commission is in the process of reforming executive performance standards, it may be some time before related changes are implemented at Victoria Police. Relatedly, it may also take some time for Victoria Police to adopt any changes regarding executive performance in the organisation's new professional development assessment system.

What measures are still needed?

The Commission urges Victoria Police to consider how the executive performance plan can be evaluated to understand whether it adequately assesses executive performance. As noted in 2017, this should include a chance for the executive employees themselves to provide feedback on the effectiveness of the professional development assessments.

Ensuring that executive-level employees are both accountable for their own behaviour and for creating and maintaining safe and respectful workplaces is critically important. They must be seen to be leading by example as they set the tone for the rest of the organisation. Otherwise, it risks damaging the credibility of the reform process that Victoria Police is undertaking. Once the Victorian Public Sector Commission has concluded its review of executive performance, we encourage Victoria Police to ensure its own performance plan is consistent with state-wide standards. The organisation should also ensure the new assessment system reflects the updated standards.

As part of this, the Commission urges Victoria Police to ensure it has effective mechanisms in place to hold senior leaders accountable if they do not deliver on key performance indicators related to gender equality and creating safe and respectful workplaces (see Recommendation 1 in Chapter 10).

7.3.3 ESTABLISHING CONSISTENT RESPONSES TO WORKPLACE HARM

What we found in 2015

In 2015, the Commission found that:

- managers and supervisors were using Victoria Police's Professional Development and Assessment system inconsistently
- there was a lack of clarity regarding when and how to record inappropriate behaviour in the system
- the system was sometimes used improperly as a mechanism to record unprofessional or inappropriate workplace behaviours, rather than as a professional development tool.

In Recommendation 12, we urged Victoria Police to review the type of inappropriate behaviours that should be recorded in the assessment system and the management of those behaviours that were so recorded.

What we found in 2017

In 2017, the Commission noted that Victoria Police had determined that the Professional Development and Assessment system, supported by organisational policy, provided an appropriate mechanism for tracking outcomes of discussions around performance and conduct, including underperformance and inappropriate behaviours.

We also noted that Victoria Police had created a toolkit to help managers and supervisors to speak with employees about workplace harm. This included guidance on the use of the assessment system to record inappropriate behaviours.

The Commission found that these steps did not adequately address our concerns from phase 1. We advised Victoria Police to:

- review how inappropriate behaviours recorded in the assessment system could be met with appropriate learning and development opportunities and urged it to follow the review with specific training for managers and supervisors
- analyse the categories of inappropriate behaviour that are not appropriate for management under the Professional Development and Assessment system, review the formal management responses that may be necessary for these categories of behaviour and consider the necessary guidance for managers and supervisors.

Progress in achieving change

Victoria Police has since begun a project to reform its Professional Development and Assessment system to implement Recommendation 12, including the Commission's further guidance.

The Commission understands that Victoria Police is currently in the progress of transitioning to a new assessment system. Victoria Police's draft project plan for the new assessment system (see Section 7.3.1) states that one of the project's goals is to enable the organisation to implement the intention of Recommendation 12. While the plan itself includes limited information about how details regarding employee performance against values and behaviours will be recorded in the system, we understand that:

- Victoria Police will consult with relevant stakeholders and seek advice from subject matter experts on this issue
- the human resource business partners (see Section 7.4) are expected to contribute to efforts to address inappropriate behaviours by ensuring that any development needs identified through assessment or other management conversations are adequately addressed.

Impact of reform

The Commission welcomes the commitment to implement Recommendation 12 in the new professional development system and planned work to address development needs identified through assessment or other management conversations. However, as the new system and related initiatives have not yet been established, it is too early to form a view about their effectiveness in implementing this recommendation. It is timely therefore to remind Victoria Police of the significant risks involved in not properly managing and recording unprofessional or inappropriate workplace behaviours.

What measures are still needed?

Noting the current state of implementation, which is still in the planning stages, the Commission reiterates its original Recommendation 12 and the related guidance provided in 2017.

Based on the findings outlined above, the Commission concludes that Victoria Police is in the planning stages of implementing Recommendation 12.

RECOMMENDATION 12

Improving responses to workplace harm through performance management

In planning

7.4 Partnering with people management experts

It is common for employees who formally report experiences of workplace harm to tell their manager or supervisor.²⁴ For example, 84 of the 108 survey participants (77.8 per cent) who reported experiencing sexual harassment in Victoria Police since December 2015 told an immediate manager or supervisor.

Yet, the operational environment of Victoria Police and a historic undervaluing of people management skills mean managers and supervisors may not have the time or capability to respond appropriately to workplace harm. In addition, changing workplace structures and expectations around flexible work, acceptable behaviour and health and wellbeing mean that expectations on managers and supervisors have expanded.

To create a safe and inclusive workplace, Victoria Police must help its managers and supervisors to confidently meet these expectations. Recommendation 15 recognises that managers and supervisors should be supported with expert and accessible guidance, so that they can respond to workplace harm appropriately and in a way that builds broader employee confidence in reporting workplace harm.

Section 7.4 discusses Victoria Police's efforts to provide human resources support to local workplaces, as required by Recommendation 15.

What we found in 2015

In 2015, the Commission found that local managers and supervisors often did not have the skills or knowledge to address workplace harm appropriately. There was also a lack of specialist expertise and guidance available for them to draw on in seeking to prevent or respond to workplace harm.²⁵

In Recommendation 15, the Commission called on Victoria Police to provide specialist human resource support to local workplaces by setting up a business partnering model. We said that the model should be a central source of advice and guidance for managers and supervisors in responding to workplace harm and provide coaching and mentoring to enhance supervisory and management skills. We also called for the model to support engagement with OneLink and working relationship between OneLink and the business partners.

What we found in 2017

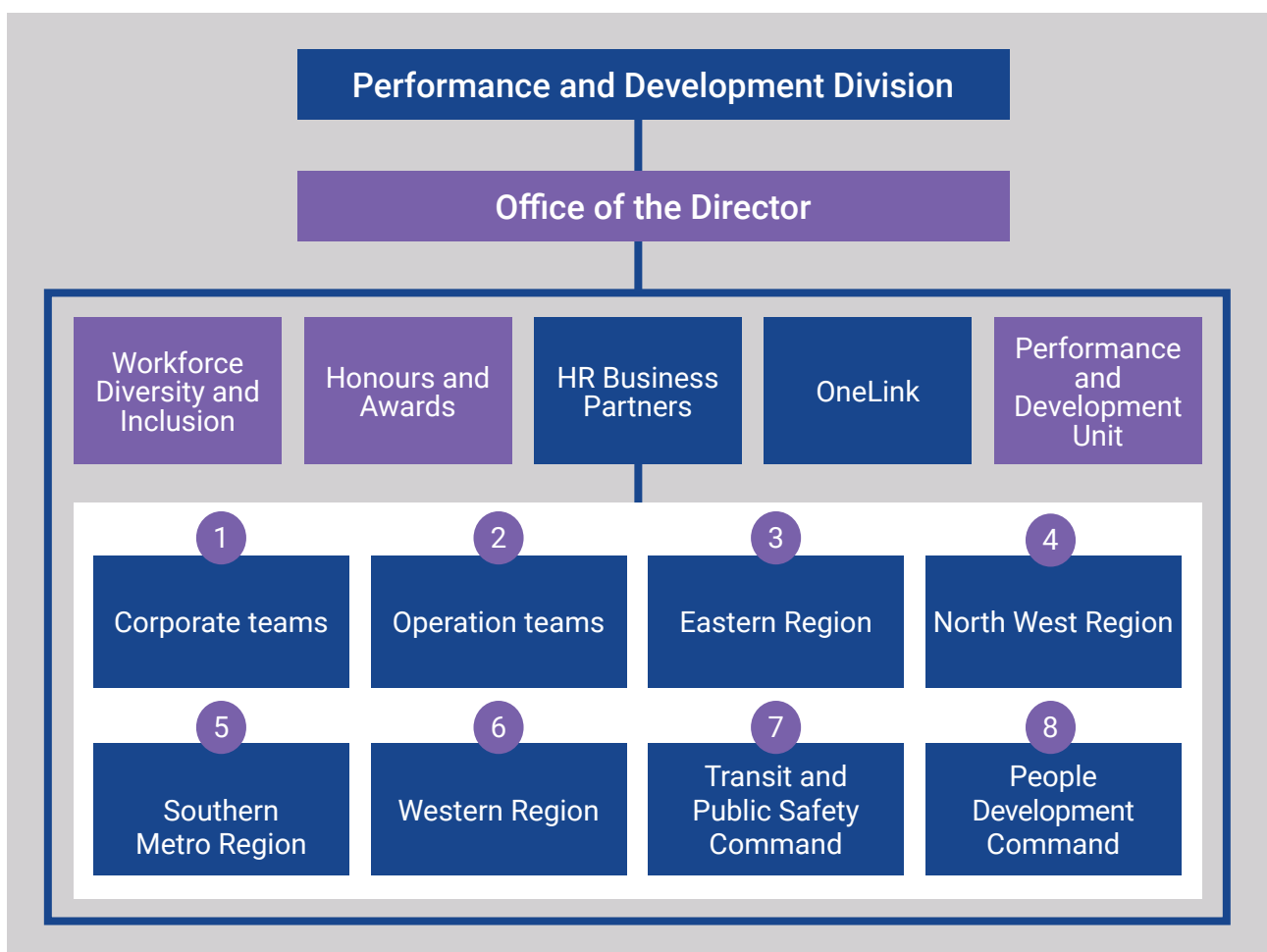
In 2017, the Commission found that Victoria Police had committed to implementing a human resource business partnering model. The organisation had completed initial scoping and consultations and piloted the model. It had been expected that the model would be operational by the end of 2017, but several factors, including fluctuating funding and delays during the recruitment process impacted the progress of the model's establishment.

The Commission advised Victoria Police that further implementation work should include clear guidance about the model. This included guidelines for business partners about the parameters of the model, options for reporting workplace harm, confidentiality, information sharing, record keeping and data collection. We called for clear communications about how managers and supervisors could use the business partners. In addition, we suggested Victoria Police analyse the resourcing of similar models in the VPS and reassess resourcing needs once the model was operational.

Progress in achieving change

Victoria Police approved the human resource business partnering model in June 2018 and, by December, eight VPS 6 business partners had begun work in the newly created Performance and Development Division within the Human Resource Department. Each partner is responsible for a business portfolio (see Figure 13).

Figure 13 – Business portfolio areas allocated to the HR business partners



The allocation of business partners was determined based on factors that included alignment to Victoria Police’s organisational structure, the number of full-time equivalent employees in each portfolio and analysis of rates of workplace harm and employee engagement.

An important role of the business partners will be supporting managers and supervisors to respond to workplace harm through local resolution. This will include providing practical guidance on how to address inappropriate behaviours and ensuring local management monitor matters until they are resolved. Business partners will also be responsible for other areas, including attendance, performance management, respectful workplace behaviours, conflict management, and health and wellbeing.

In December 2018, Victoria Police sent some initial communications about the role of the HR business partnering unit to Victoria Police Command and the Human Resource Department. Further communications are planned across a variety of different channels, including targeted emails to managers and supervisors.

Victoria Police intends to evaluate the model through six monthly performance reviews in each portfolio, as well as a formal review of the model by June 2020.

Impact of reform

The establishment of the HR business partners is an important step in Victoria Police being able to provide specialist human resource support to local managers and supervisors and in improving responses to workplace harm, a known capability gap in the organisation. The decision to locate the partners and OneLink in the same division will help to promote interaction and alignment between them, which in turn is likely to improve the quality of the advice and support provided.

The eight business partner positions represents a ratio of around 1:2600 employees, which is a marked improvement on the previously proposed ratio of around 1:4700 employees.²⁶ Yet, Victoria Police is already aware that the business partnering unit may require further resources in the future and will consider increasing capacity as needed.

What measures are still needed?

Noting that the business partners have only been recently created, the Commission urges Victoria Police to ensure that appropriate and clear policies and processes are in place to support them in their roles. Clarification of the working relationship with OneLink will be an important part of this, as will effective communication with managers and supervisors on the role of the business partners. Robust evaluation should be undertaken to understand demand for, and the effectiveness of, the business partners and inform continuous improvement of the model.

The Commission concludes that Victoria Police has implemented Recommendation 15 to a moderate extent.

RECOMMENDATION 15	Making use of people management expertise	Implemented to a significant extent
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Notes

- 1 Global Compact Network Australia and Australian National Committee for UN Women, *Optimising Performance: Gender Equality in Business: Communiqué of the Women's Empowerment Principles Summit* (October 2014) 12.
- 2 Global Compact Network Australia and Australian National Committee for UN Women, *Optimising Performance: Gender Equality in Business: Communiqué of the Women's Empowerment Principles Summit* (October 2014) 12.
- 3 Global Compact Network Australia and Australian National Committee for UN Women, *Optimising Performance: Gender Equality in Business: Communiqué of the Women's Empowerment Principles Summit* (October 2014) 12.
- 4 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 28.
- 5 People Development Command checks all curriculum against the key criteria.
- 6 Other courses being reviewed are: Constables Qualifying Program, Protective Service Officer Program, Road Policing Investigation Course, Safe Vehicle Inspection Course and Advanced Diploma of Police Investigation.
- 7 Taught at the Centre for Crime Investigation, formerly known as Detective Training School (Victoria Police informed the Commission that the name changed in 2019).
- 8 The phase 3 review survey did not ask participants about their current work patterns (for example, part-time or flexible) work. Therefore, the survey did not collect data about the impact of current work pattern on access to training.
- 9 Other response options were 'not at all' and 'a little'. Responses that could not be analysed ('unsure' and 'not applicable') are not included in this analysis.
- 10 See for example, Sarah Sholl et al, 'Balancing student/trainee learning with the delivery of patient care in the healthcare workplace: a protocol for a realist synthesis' (2016) 6 *British Medical Journal Open* 1136; Sarah Sholl et al, 'Balancing health care education and patient care in the UK workplace: a realist synthesis' (2017) 51 *Medical Education in Review* 787.
- 11 This combined approach was approved by the Academic Governance Board and the VEOHRC Review Implementation Steering Committee.
- 12 The online module was developed in consultation with Victoria Police's Academic Governance Board.
- 13 The Commission understands that Victoria Police had expected all employees to have completed the training by 31 December 2018 and that it is actively exploring ways to ensure maximum engagement.
- 14 Victoria Police's Academic Governance Board has suggested that any decisions regarding the ongoing delivery of face-to-face training be made during the initial two-year rollout, set to finish at the end of 2020.
- 15 This is due to the significant cost involved with using an external partner and the desire to build internal capability for future training delivery.
- 16 Questions were answered on a five-point scale from 'strongly disagree' to 'strongly agree', with 'disagree', 'neither agree nor disagree' and 'agree' in between.
- 17 Doris C. Chu and Chang-Chi Tsao, 'Attitudes towards women in policing: An empirical inquiry into the gender views of police cadets in Taiwan' (2014) 37(2) *Policing: An International Journal of Police Studies & Management* 324, 325; Abby McLeod and Victoria Herrington, 'Valuing different shades of blue: From diversity to inclusion and the challenge of harnessing difference' (2017) 6(3) *International Journal of Emergency Services* 177, 183.
- 18 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 125.
- 19 Field coaches guide the work of recruits at a Designated Training Workplace, designated 24-hour police stations where probationary constables (recruits who have completed the first part of their training) work during their foundation training.
- 20 There were 214 (145 male and 69 female) and 212 (144 male and 68 female) responses to these questions respectively, excluding those who said they were 'Unsure'.
- 21 Noting that recruits and probationary constables who participated in the survey would not have been employed in Victoria Police for the entire period of time (from December 2015) that the survey collected data on participant experiences.
- 22 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 135.
- 23 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 168.
- 24 Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018) 69.
- 25 United States Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic* (2016) 36, 40.
- 26 As discussed in phase 2, while the initial scoping of the model in 2017 involved six positions, only four of them were actually HR business partners.

Chapter 8.

Responding to workplace harm

Key points

Victoria Police has taken important initial steps to improve how it responds to workplace harm complaints, but significant work remains

- Victoria Police has created key workplace harm units to respond to complaints of sex discrimination and sexual harassment, including predatory behaviour.
- Understanding of this new workplace harm model appears to have improved overall, but there is still confusion around the remit of the services available and who can access them. User feedback is also mixed, with many expressing low levels of satisfaction with the services provided and some noting poor case management, delays, breaches of confidentiality and, for instance, inconsistent outcomes.
- Victoria Police's workplace harm model requires significant further resourcing to ensure that it can meet demand and the needs of victims/survivors, including through the provision of victim-centric services.
- Victoria Police has significant organisational expertise in providing victim-centric responses to victims/survivors of sexual offences and child abuse. There is strong potential to leverage this expertise to strengthen and improve organisational responses to workplace harm.

Work to overhaul Victoria Police's disciplinary system into a system that is victim-centric, timely and transparent has been delayed and needs to be prioritised

- Victoria Police's new disciplinary system remains in development, which means that needed changes to transform the system into one that is victim-centric, timely, and transparent have not yet been implemented. This is despite a compelling and urgent need for the organisation to reform the way it deals with alleged perpetrators of harm.
- While internal and external factors have contributed to the delay, Victoria Police must prioritise reforms to the organisation's disciplinary system.

Work to enable employees to understand mandatory reporting requirements related to misconduct should continue

- Recent legislative amendments, due to commence on 1 January 2020, will give victims/survivors of workplace harm important entitlements to disclose information related to protected disclosures so they can seek support and workers' compensation.
- Further work is needed to help Victoria Police employees understand their mandatory reporting obligations related to misconduct and ensure that the overarching legislative framework clearly defines sex discrimination and sexual harassment as a form of misconduct.

The Police Registration and Services Board is reviewing disciplinary decisions in line with best practice

- The Police Registration and Services Board has increased its members' capability to consider human rights law when reviewing disciplinary decisions. Members regularly consider the impact of police members' wrongdoing on victims/survivors, colleagues and Victoria Police.

All Victoria Police employees should be able to work in an environment that is safe, respectful and free from sex discrimination and sexual harassment. Creating and maintaining an environment that is free from workplace harm requires an effective, best-practice response model, including policies and processes to prevent harm and respond effectively when harm does occur.

Chapter 8 evaluates efforts since December 2015 to develop a robust and victim-centric framework for responding to workplace harm in Victoria Police. We conclude that Victoria Police has:

- implemented protected disclosure changes, in line with Recommendation 18
- implemented to a significant extent Recommendation 13, which called for the establishment of a new model to respond to workplace harm
- implemented to a moderate extent Recommendation 14 to provide cohesive and comprehensive employee support and wellbeing services, and Recommendation 16 to resolve legislative and process issues in the complaints and disciplinary framework and embed values in the workplace
- begun planning to implement a new disciplinary system, as required by Recommendation 20.

We further conclude that the Police Registration and Services Board has implemented Recommendation 19, which required it to review disciplinary decisions in line with best practice.

RECOMMENDATION 13	Implementing systems to respond to workplace harm	Implemented to a significant extent
RECOMMENDATION 14	Ensuring cohesive and comprehensive wellbeing and support services are available to employees	Implemented to a moderate extent
RECOMMENDATION 16	Embedding Victoria Police values and resolving legislative and process issues in the discipline framework	Implemented to a moderate extent
RECOMMENDATION 18	Implementing protected disclosure changes	Implemented
RECOMMENDATION 19	The Police Registration and Services Board reviews disciplinary decisions in line with best practice	Implemented
RECOMMENDATION 20	Remodelling the discipline system	In planning

8.1 Organisational responses to workplace harm

In 2015, the Commission reported on Victoria Police's inadequate model for responding to workplace harm.

Recommendation 13 recognised that a victim-centric model for responding to workplace harm is critical to addressing sex discrimination and sexual harassment effectively. In addition, Recommendation 16 aimed, among other things, to modernise the Victoria Police values to set clear behavioural expectations and drive cultural change to support safer and more respectful workplaces. Section 8.1 details Victoria Police's efforts to implement both recommendations.

- Section 8.1.1 describes Victoria Police's work to prioritise gender equality and respectful relationships and set clear expectations in its organisational values.
- Section 8.1.2 analyses the organisation's work to create structures to respond to workplace harm complaints.
- Section 8.1.3 details its work to use data to drive continuous improvement in workplace harm units and responses to workplace harm.
- Section 8.1.4 outlines the organisation's work to support employee wellbeing.

8.1.1 EMBEDDING VICTORIA POLICE VALUES

Traditionally, police values have celebrated and rewarded a stereotypically masculine set of traits, such as physical strength and stoicism, and downplayed the community service and caring aspects of police work.¹ Research has found that adhering to such values at times has led to negative outcomes, such as risk-taking and human rights violations.² Such values are at odds with a gender equal and diverse police culture.³ The values of an organisation set the standard for the behaviour and performance of its people and play a significant part in driving organisational culture.⁴ It is therefore critical that organisational values reflect the behaviour expected of all employees.

What we found in 2015

In 2015, the Commission reported on a damaging workplace culture within Victoria Police that required a renewed focus on its organisational values. The Commission found that Victoria Police's culture was centred around an archetype of a traditionally masculine 'police man' who embodied characteristics of toughness, strength, resilience and sexual assertiveness. We saw that these cultural expectations embedded gender inequality within the organisation and operated as significant drivers of sex discrimination and sexual harassment.

We reported that Victoria Police's culture was not consistent with its espoused values. Everyday sexism was normalised and a culture of exceptionalism, whereby so-called 'good' police members were not held to account, resulted in harmful behaviour being excused or not being addressed. The Commission also identified that the organisational values were developed in 2003 and, so, were not aligned with Victoria Police's modern operating context.

The Victoria Police values

The Victoria Police values are safety, integrity, leadership, flexibility, respect, support and professionalism.⁵

These values inform all Victoria Police policies, practices and procedures, including the *Victoria Police Policy Rules – Professional and ethical standards*,⁶ commonly referred to by Victoria Police as the Code of Conduct.⁷ The rules set out the expected standards of behaviour of all Victoria Police employees when interacting with one another and members of the community.⁸

VPS employees in Victoria Police must also comply with the Code of Conduct for Victorian Public Sector Employees of Special Bodies,⁹ which incorporates the Victorian Public Sector values.¹⁰

In Recommendation 16, the Commission urged Victoria Police to ensure its values reflect the organisation's vision for increased gender equality and a culture of fairness and respect. We recommended that it work to increase employee understanding of these values and their practical application and enforce the expected standards of behaviour.

What we found in 2017

In 2017, the Commission found that Victoria Police had embarked on significant and commendable work, including extensive consultation and research, to transform its organisational values. This work aimed to produce a best-practice set of values that reflected the characteristics of modern policing, community expectations and efforts to increase gender equality.

The Commission reiterated the critical role that organisational values play in creating safer and more respectful workplaces. We advised Victoria Police to ensure that the organisation's values prioritise gender equality and respectful workplace relationships, set clear expectations for employee behaviour and inform policies, performance development and recruitment. We also advised Victoria Police to increase employee engagement with, and understanding of, the new values.

Progress in achieving change

Victoria Police has continued to make important progress in modernising its values. This has included significant consultation, including with employees and the Police Registration and Services Board, and seeking expert guidance.

Victoria Police is finalising work to refresh and modernise its values and has prepared a dedicated communications and education strategy to inform employees about these new values, when they are published.

Impact of change

The significant work completed so far to refresh the organisation's values sets the tone for a safe, modern organisational culture driven by values-based behaviour and will help to mobilise employees along the continued change journey.

The Commission has heard that further work is needed to ensure that all managers, supervisors and Command members model and are measured against the values of the organisation. Many survey respondents emphasised that poor attitudes and behaviour by senior employees and organisational leaders had a significant and negative impact on their workplace.

Many managers fail to practice [appropriate behaviour] consistently themselves, which devalues their directions to staff, belittles victims and positively reinforces the behaviour. Once the box is ticked, some managers will simply continue with the same inappropriate behaviour, often

quite overtly. I have seen this frequently ... Recently, I witnessed one senior manager send emails and even hand out material one morning on sexual harassment, only to engage in [sexual harassment] at lunch time.

[Victoria Police] leadership and values highlights inconsistent senior and command level behaviours that undermine the efforts to generate change and a culture of respect within the organisation ... I have regularly witnessed, been exposed to and experienced a culture of disrespect, entitlement, arrogance, bullying, and belittling – within internal meetings and the workplace by members at senior and Command level.

What measures are still needed?

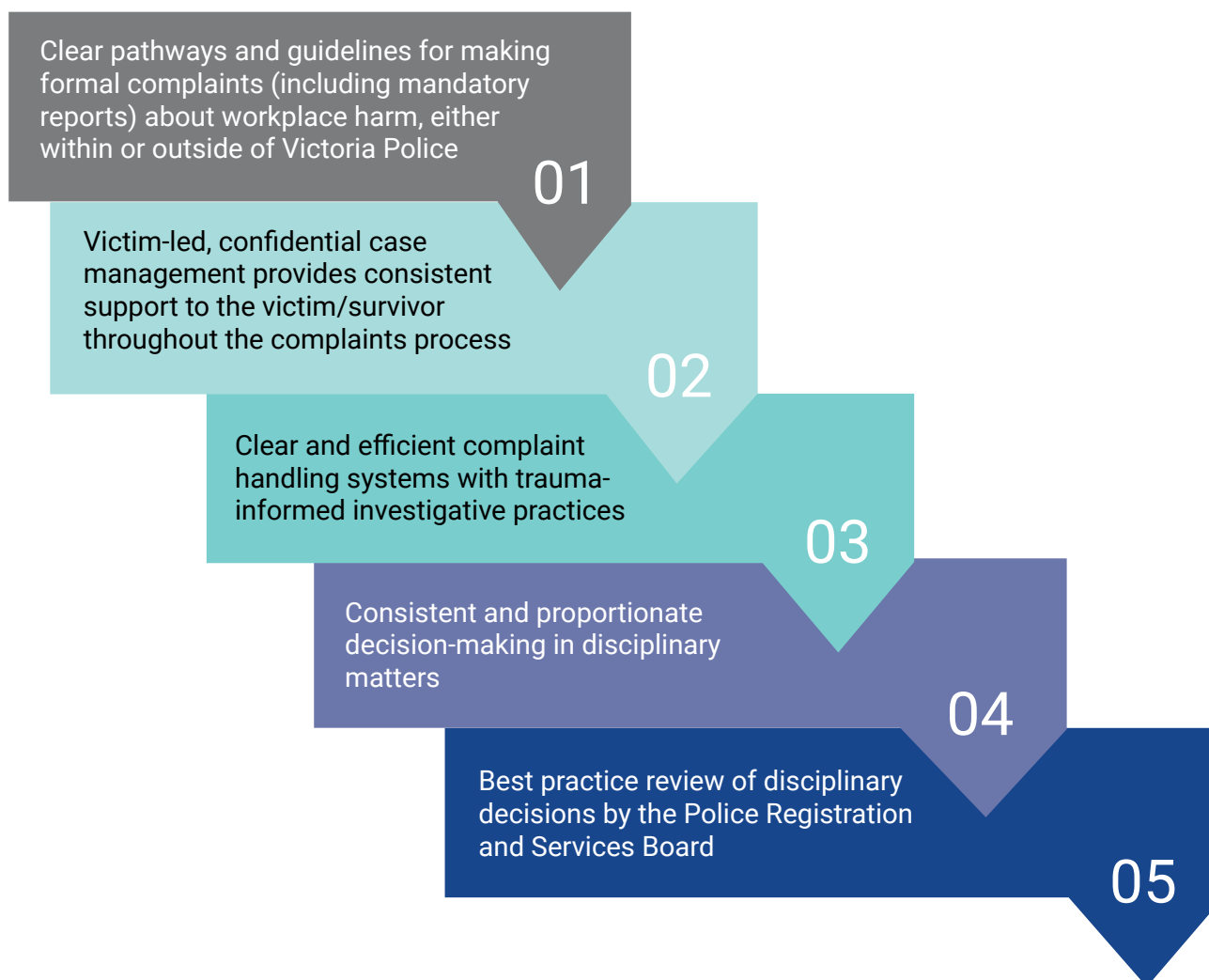
To fully implement the values component of Recommendation 16, Victoria Police must ensure that there are clear expectations that employees behave consistently with the organisation’s values. The Commission encourages Victoria Police to implement its communications and education strategy when the refreshed values are published.

The Commission’s final assessment of Victoria Police’s work to implement Recommendation 16 in its entirety is set out in Section 8.2.4.

8.1.2 STRUCTURES TO RESPOND TO WORKPLACE HARM

In general terms, a comprehensive model for responding to workplace harm should encompass the five aspects set out in Figure 14 below.

Figure 14 – A comprehensive Victoria Police model for responding to harm



A best-practice workplace harm response model is one that consistently applies the principle of victim-centricity.¹¹ A victim-centric model protects the interests and safety of victims/survivors and does not compound harm.¹² It treats victims/survivors with empathy and sensitivity and without judgement, maintains their confidentiality and supports them throughout the complaint process, including by providing welfare support.¹³ It ensures strong protections against victimisation and makes managers and supervisors accountable for preventing victimisation in their workplaces. It includes a focus on restorative justice, is staffed by workplace harm experts and is appropriately funded and continuously improved.

All services within a best-practice workplace harm response model should collaborate by sharing key learnings and information on workplace harm trends. There should be protocols to evaluate and identify systemic workplace harm issues and risks and to use data to continuously improve the response model.¹⁴ Across its data sources, the Commission heard from participants that a best-practice, victim-centric response to workplace harm was critical to increase employee confidence and increase rates of reporting.

If you want people to report this behaviour, [Victoria Police] needs three things. Believe the organisation has zero tolerance for the behaviours. Believe they won't be victimised for reporting. Believe that action will be taken in a timely manner. This must be supported by the organisation having the conviction to see the matter to its conclusion.

What we found in 2015

In 2015, the Commission found that Victoria Police's model for responding to complaints of sex discrimination and sexual harassment was inadequate. We found that the existing model was complex, not equipped to deal with gendered harm in a way that embedded safety, confidentiality and victim/survivor control and produced inconsistent outcomes. We also found that the model was not adequately funded to meet demand. Victims/survivors detailed experiences of re-victimisation through the complaints process, a lack of confidentiality, poor outcomes and experiences of reprisal that prevented others from coming forward.

In Recommendation 13, the Commission urged Victoria Police to create a new model to respond to workplace harm. The recommended model included an independent 24-hour hotline to provide confidential support to victims/survivors, an internal workplace harm unit to respond to complaints and an independent advisory board to provide expert guidance and support. We noted that the model must embed victim-centricity and best-practice complaint handling principles to ensure better outcomes for employees who experience workplace harm.

What we found in 2017

In 2017, we reported on significant work to create a new workplace harm model. Victoria Police had created two new units:

- OneLink, a central case management and triaging unit to support and guide victims/survivors through a complaint
- Taskforce Salus, a unit to investigate incidents of sex discrimination and sexual harassment.

OneLink and Taskforce Salus were supported by expert guidance by an Independent Advisory Group (formerly the Independent Advisory Board).¹⁵

Victoria Police had also engaged Safe Space, an external, confidential and independent 24-hour hotline to provide support to victims/survivors.

In relation to OneLink, the Commission advised Victoria Police to:

- embed victim-centricity across its processes
- resource OneLink to meet demand
- adequately scope and implement a planned expansion of OneLink's remit to include bullying.

We advised Victoria Police to address low trust and engagement in Safe Space and improve the expertise of the service's employees in relation to gendered harm.

Across the workplace harm model, we advised Victoria Police to leverage the expertise of the Independent Advisory Group, collect and share data to improve understanding of the model's effectiveness and continuously improve all aspects of the model.

Progress in achieving change

Victoria Police has since sought to improve its workplace harm model, including by:

- increasing messaging to improve employee awareness of reporting pathways
- bringing together key leaders and representatives of each service in a Workplace Harm Working Group to share information to facilitate better understanding of the risks, issues, obstacles and opportunities of the workplace harm model
- evaluating user experiences
- facilitating around 65 presentations by Taskforce Salus to different workplaces.

The Commission understands that in 2018:

- OneLink handled 359 cases, 9.7 per cent of which related to sex discrimination or sexual harassment, including predatory behaviour
- Taskforce Salus handled 153 cases of sex discrimination or sexual harassment, including predatory behaviour, and had 225 open matters.¹⁶

Impact of reform

The Commission has seen Victoria Police's dedication to communicating awareness of workplace harm prevention and responses, and we acknowledge its efforts to improve the reputation of reporting pathways.

We observed that understanding of the services available across the workplace harm model appears to be improving overall. For instance, a Victoria Police survey of 869 employees found that 76 per cent had knowledge of Taskforce Salus, 50 per cent knew 'a bit' about Safe Space and 37 per cent knew 'a bit' about OneLink. We note, however, that confusion remains around the remit of the services and who can access them.

The Commission heard mixed feedback about user experiences of the workplace harm model. Positive experiences included reflections on high levels of victim/survivor control and the timely provision of support.

[Taskforce Salus] were really great. I spoke to OneLink and welfare on the same day. Within three days I spoke to four or five people. I wish we had that support at station level without having to go outside our workplace.

OneLink was amazing, they were fantastic ... They had really useful information and they went and researched my problem and got back to me very quickly and in writing.

As I was a new member I was pretty shy, although knowing that the behaviour that I was receiving was behaviour other girls was receiving I would definitely stand up and report it myself. Going through and dealing with [Taskforce Salus] they were extremely supportive as was my station manager and inspector.

However, some employees detailed disappointing experiences of their interaction with the units within the model. They included troubling reports of poor case management, delays, breaches of confidentiality, inconsistent outcomes, a lack of victim/survivor control and insufficient communication.

After an initial botched investigation this has now been re-investigated and it has taken months and months to be resolved. I have been part of a group of people making the same complaints. The duration of the investigation has taken significant a emotional toll on many involved.

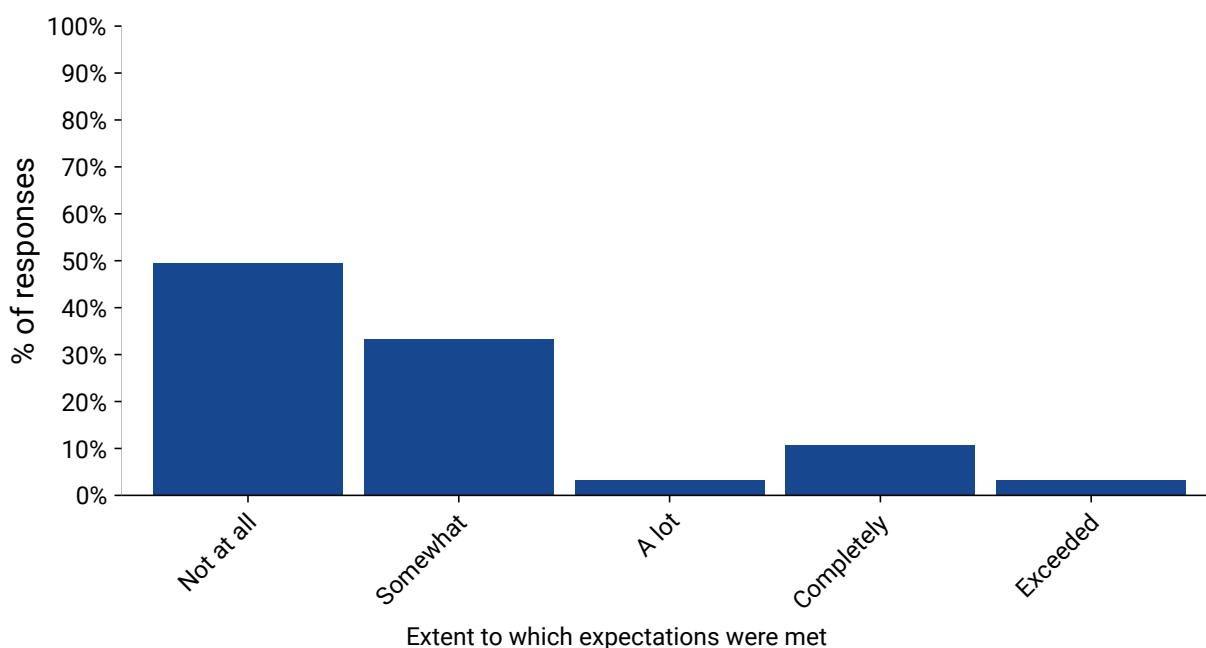
I was really disappointed with the outcome ... I understand that he was spoken to and admitted his behaviour. I was told that the outcome was that he was warned. I questioned why he was not transferred away from me due to the impact it had on me, and I was told precedence indicated that if he appealed it he would have been returned to his position.

[OneLink] is not victim-focused, I was pushed to come back to work much earlier then I felt comfortable in doing, because the Senior Sergeant thought that was what was best for me. The results ... were abysmal. The communication was abysmal. The victimisation by co-workers as a result of reporting was awful.

When I made my initial report, I was advised by OneLink that I could report the behaviour and remain anonymous, however management in my area advised the person of my identity.

Most survey respondents who reported workplace harm to Victoria Police were unsatisfied with their experience: 49 per cent said their expectations had not been met at all and 33 per cent said they had been somewhat met. By contrast, 14 per cent said their expectations were completely met or exceeded. See Figure 15.

Figure 15 – Extent to which survey participants’ expectations were met after reporting harm



The Commission has observed that the OneLink unit is under-staffed and inadequately resourced to meet its high caseload. As noted above, OneLink received 359 complaints in 2018 alone and yet only has four full-time-equivalent staff members: a manager, senior analyst and two case managers.

We were told that this level of resourcing has led to significant strain on OneLink, which has impaired its ability to respond effectively to workplace harm complaints.

My experience with OneLink hasn't been very good. A lack of response – timely response. A lack of wanting to put something in writing ... they ring you and give advice on something instead of writing to you to give you advice. Which is a bit suspicious ... this is a probably a staffing issue – when you want them to take charge of an incident or investigation, as per the manual, they won't do it ... it took a lot of battling in a recent case for them to employ an independent investigator, it took a month after the incident.

OneLink don't have any structure, there was no process and there were only three people. They didn't know what they were doing, and they just sat there on the phones. [Staff] were told off for being on the phone with someone who had called and needed ... support for too long ... [staff] couldn't spend more than 10 minutes with one person on the phone.

Inadequate resourcing limits OneLink's ability to provide best-practice services and may even compound the impact of the original harm. It is concerning, therefore, that some victims/survivors told us that the process of reporting workplace harm had been more traumatic than the initial harm they experienced.

More broadly, it was difficult for the Commission to assess how the workplace harm model operates in practice or its effectiveness, including:

- how units within the workplace harm model triage incoming complaints and refer matters to other services
- the model's case management processes
- core policies and protocols
- the interaction between workplace harm units
- the outcomes of resolved matters.

This is due to the limited information provided to the Commission by Victoria Police.¹⁷

What measures are still needed?

Victoria Police has built strong foundations towards a high-functioning and best-practice workplace harm model, in line with Recommendation 13. However, to achieve full implementation, it needs to take the steps outlined below.

Table 25 – Steps needed to fully implement a high-functioning and best-practice workplace harm model

General	<ul style="list-style-type: none"> • Adequately fund and resource all units across the workplace harm model • Increase efforts to embed victim-centricity and best-practice complaint handling (potentially drawing on the significant organisational expertise in providing victim-centric responses to victims/survivors of sexual offences and child abuse)¹⁸ • Provide clear and consistent organisational messaging about the model • Provide training and support for managers and supervisors to enable them to respond effectively to workplace harm
OneLink	<ul style="list-style-type: none"> • Develop a consistent model for triaging victims/survivors • Provide clear advice to victims/survivors on what will follow making a complaint, including in circumstances where a protected disclosure arises • Develop a protocol to assess victim/survivor welfare and support needs and refer them to relevant internal and external services • Case manage each report according to victim-centric processes, supported by clear policy and procedural guidance • Rigorously assess OneLink's functions, focusing on continuous improvement

Safe Space	<ul style="list-style-type: none"> • Work with Safe Space to ensure that each practitioner who responds to calls from Victoria Police employees can provide victim-centric and trauma-informed services • Work with Safe Space to develop a triaging and referral protocol
Taskforce Salus	<ul style="list-style-type: none"> • Develop an internal process to maintain consistent communications with victims/survivors throughout an investigation • Working with OneLink, develop a protocol to assess the welfare and support needs of victims/survivors and refer them to relevant internal and external services

8.1.3 DATA COLLECTION, ANALYSIS AND CONTINUOUS IMPROVEMENT

What we found in 2015

In 2015, the Commission found that Victoria Police’s workplace harm units responded to harm inconsistently and operated in information silos, not sharing their practices, data, outcomes or learnings.

In Recommendation 13, the Commission urged OneLink, Safe Space and Taskforce Salus to collect, analyse and share data to assess the organisational extent of workplace harm, as well as identify existing and emerging drivers of harm. We encouraged increased information sharing and risk identification across other Victoria Police business units. We also emphasised the opportunity to drive high employee satisfaction in workplace harm unit outcomes by creating a culture of evaluation and continuous improvement, supported by rigorous data collection and analysis.

What we found in 2017

In 2017, the Commission found that Victoria Police had:

- instituted monthly reporting requirements between Safe Space and Victoria Police for the transfer of de-identified data
- begun work to inform reporting protocols and an information and data-sharing framework for OneLink
- established data monitoring and collection by Taskforce Salus through its case management system to identify emerging risks and historical harm and reporting of that data to Executive Command through regular briefings.

We advised Victoria Police to track all data received by the workplace harm model, including usage of the services, complaint outcomes and victim/survivor satisfaction, and to respond swiftly and appropriately to individual and systemic risks. We also noted the value of introducing evaluation processes to provide increased insight into user experiences of individual units. We suggested that the data be used to inform further developments and improvements to the model.

Progress in achieving change

Victoria Police has continued to develop more sophisticated and collaborative methods of data collection and analysis. This includes:

- the regular collection and reporting of data to facilitate organisational understanding of key risks, issues, trends and opportunities

- providing Professional Standards Command de-identified case studies from Taskforce Salus, allowing for greater alignment of their respective investigations and operations
- ongoing collaborative forums scheduled between the Workplace Relations Division, OneLink and Taskforce Salus
- the creation in March 2019 of a Workplace Harm Tasking and Coordination Committee to identify and treat emerging issues and risks.

Victoria Police has also introduced some evaluation measures to understand experiences of OneLink, including a survey of employees who had engaged with OneLink. The organisation has also engaged an external party to gauge employee perceptions and awareness of initiatives to reduce workplace harm.

The Commission has learned of, and encourages, further plans to upgrade the current data analysis framework and enable preventative action.

Their focus is now on generating a report that moves us from lag indicators, which focus on past and reported harm, to a report that considers lead indicators and risks that, if addressed, will position us to prevent, rather than just respond to harm.

Impact of reform

The Commission commends Victoria Police’s efforts to collect, analyse and share data related to the workplace harm model. These efforts have created significant opportunities for the organisation to understand the extent of workplace harm and evaluate its efforts to address it.

The Commission is encouraged by information sharing across related divisions of Victoria Police. This enables the organisation to identify emerging risks, support good practice and improve outcomes across all elements of the organisation’s response to harm. There is significant ongoing opportunity for Victoria Police to leverage the data and learnings within the workplace harm model to increase its function and provide best-practice case management, support and outcomes for employees who experience workplace harm.

What measures are still needed?

Victoria Police should continue to implement its increased data collection processes, ideally supported by the expertise of a dedicated data analyst embedded within the workplace harm model. The organisation should also ensure that it continues to improve the model by:

- acting on the data it collects
- seeking more comprehensive feedback from employees who engage with it, such as through an optional feedback survey.

The Commission concludes that Recommendation 13 has been implemented to a significant extent.

RECOMMENDATION 13	Implementing systems to respond to workplace harm	Implemented to a significant extent
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8.1.4 SUPPORTING WELLBEING IN THE WORKPLACE

Supporting wellbeing in the workplace requires both implementing appropriate reactive mechanisms (such as those responding to workplace harm) and proactively building a safe and respectful workplace culture.

It is increasingly recognised that employers should take a 'whole-of-person' perspective when considering their employees' wellbeing.¹⁹ That is, employers should be considerate of 'on-the-job' risks and exposure to harm, as well as 'off-the-job' risk factors, to encourage overall employee health and wellbeing. Accessible wellbeing services are an important limb of an organisation's response to workplace harm and it is critical that services are resourced to adequately respond to employee experiences of sex discrimination and sexual harassment within the workplace.

What we found in 2015

In 2015, the Commission found that Victoria Police provided a range of employee wellbeing services, including for victims/survivors of workplace harm (see Table 26).

Table 26 – Wellbeing services available for Victoria Police employees as at 2015

Welfare Services	Provides support, information and referrals for members and their immediate families
Police Psychology Unit	Provides counselling and support services, including psychological treatment, referrals, case management, crisis response and education services
Peer Support	Current or retired employees support colleagues
Chaplaincy	Provides spiritual and pastoral advice from volunteers from eight of the major world faiths
Internal Witness Support	Provides confidential support to employees reporting or providing information in relation to alleged corruption, criminality or misconduct by another employee
Employee Assistance Program	An external provider of counselling services that is accessed via referral from the Police Psychology Unit

The Commission identified issues within the services that impaired the ability of Victoria Police to respond effectively to workplace harm, including:

- insufficient resourcing, particularly in regional locations
- inadequate employee understanding of available support pathways
- insufficient data collection and information sharing between the services, resulting in a lack of appropriate referrals and low organisational understanding of demand
- poor management understanding of the services, resulting in insufficient local referral processes.

Recommendation 14 urged Victoria Police to review the functions, resourcing demands and skill requirements of all wellbeing services and make any changes necessary for these services to function optimally.

What we found in 2017

In 2017, the Commission found that Victoria Police had started to map the multiple services it provided across the welfare system. The mapping exercise had been scoped to allow the organisation to identify the rates of employee interaction with different units within the welfare system, identify where additional resources were required and begin work to create an improved referral protocol.

Victoria Police had also started early work to improve the delivery of welfare services. This included increasing resources, particularly to the Police Psychology Unit, and ensuring services were better integrated and staffed by skilled employees.²⁰

While progress had been made, the Commission stressed that the mapping exercise called for in Recommendation 14 was still not substantially completed. We reiterated our initial advice to conduct this review and implement any changes needed for optimal service functionality.

The Commission found that Victoria Police had not made any progress in improving data collection and information sharing across the welfare service data systems. We advised Victoria Police to collect and analyse data from all existing services and determine any gaps in data collection. We further advised the organisation to feed this information into broader data collection mechanisms under the GESAP.²¹

In addition, we found that Victoria Police had not started work to improve the ability of managers and supervisors to navigate wellbeing services and suggested that the organisation prioritise the production of this guidance and support.

Progress in achieving change

Victoria Police engaged a consultant to review its internal and external wellbeing services (the Wellbeing Review). The Wellbeing Review, completed in mid-2018, identified the ongoing issues raised by the Commission in 2015 and 2017, including poor awareness of services, issues with service accessibility and inconsistent referral and intervention practices. It recommended a range of further interventions to improve wellbeing pathways for employees that supported the advice of the Commission, including:

- making services and pathways clear and accessible
- ensuring all wellbeing staff understand gender-based harm
- confirming a formal triage process
- delineating the roles of each service provider and eliminating overlap
- introducing user feedback mechanisms
- better information sharing practices.

Victoria Police is undertaking work to consider and apply these findings.

Additionally, the organisation is using the findings of the Wellbeing Review to guide the latest stage of the restructure of the Human Resource Department and has appointed a specialist in health, safety and wellbeing to oversee any further reforms.

There are emerging opportunities for improved data collection and analysis across Victoria Police wellbeing services, including new electronic client management systems and referral pathways. Victoria Police has not yet used these opportunities to improve data collection and analysis across its wellbeing system.

Victoria Police has started several projects to improve management and supervisor understanding of staff wellbeing and support services, with a specific focus on empowering senior sergeants to support staff wellbeing and mental health. However, the training materials reviewed by the Commission do not adequately equip managers and supervisors to respond to reports of workplace harm. It is unclear to the Commission how many employees have received this training.

Victoria Police also provides workplace harm training in person to managers and supervisors and online to most other employees. This training covered some content on how to respond appropriately to workplace harm (see Section 7.1.2). This training has been positively received by most participants. However, it does not specifically provide guidance on navigating the various wellbeing services.

Impact of reform

Victoria Police now has a comprehensive picture of wellbeing services and a framework for improving them. The Commission supports the work of Victoria Police to implement the proposed changes arising from the Wellbeing Review. We emphasise that work must continue to ensure that wellbeing services are well resourced, have clear referral pathways and are supported by effective messaging. This work must be accompanied by accessible guidance for managers and supervisors so that they are supported to refer employees to the services that best fit their specific welfare requirements.

We understand that any restructuring of the current wellbeing and support service model may shift some referral pathways, raising concerns that training to managers may need further amendment following changes. Nevertheless, the current lack of guidance leaves managers without the necessary information to help employees. This diminishes the usefulness of the wellbeing services available and increases the likelihood that employees will remain unsupported.

Victoria Police recently started collecting and analysing data related to the organisation's wellbeing services.

What measures are still needed?

The Commission supports Victoria Police's commitment to the Wellbeing Review and encourages the organisation to implement its recommendations and incorporate any information on restructured services into training for managers and supervisors, enabling them to refer employees to the appropriate services.

We encourage Victoria Police to continue to improve data collection and analysis across the wellbeing service to identify whether employees who experience workplace harm are consistently referred to the service and receive sufficient support in an adequately resourced welfare system.

The Commission concludes that Recommendation 14 has been implemented to a moderate extent.

RECOMMENDATION 14

Ensuring cohesive and comprehensive wellbeing and support services are available to employees

Implemented to a moderate extent

8.2 Strengthening the disciplinary system

In phases 1 and 2, the Commission found that Victoria Police was not holding perpetrators of sexual harassment, including predatory behaviour, accountable.

A modern policing service that serves the community effectively and develops capable employees²² has a disciplinary system that is fair, confidential, transparent, accessible and efficient.²³ Such a system helps to ensure a safe working environment and shows employees that the organisation is proactive in dealing with harmful behaviour. Ensuring the process is as simple and efficient as possible also lessens the likelihood of further harm to victims/survivors.²⁴ Finally, a strong disciplinary system ensures that all disciplinary outcomes are proportionate, consistent, transparent and unbiased.²⁵

The Commission made several recommendations to strengthen Victoria Police's disciplinary system. Recommendation 16 emphasised the need for employees to have practical guidance on their reporting obligations. Recommendation 18 focused on the protected disclosure regime. Recommendation 19 recognised the need for equal opportunity and human rights law training for the Police Registration and Services Board and Recommendation 20 urged Victoria Police to streamline and simplify its disciplinary system.

- Section 8.2.1 analyses Victoria Police's work to reform its disciplinary system.
- Section 8.2.2 describes the organisation's work to increase employee understanding of reporting obligations.
- Section 8.2.3 outlines its work to mitigate risks in cases involving serious allegations.
- Section 8.2.4 details its work to pursue concurrent criminal and disciplinary processes.

8.2.1 A REFORMED VICTORIA POLICE DISCIPLINARY SYSTEM

The Victoria Police disciplinary system has been subject to multiple investigations and reviews by external bodies. These reviews have resulted in a range of recommendations to overhaul the disciplinary system to ensure that it embeds procedural fairness, timeliness, accountability and transparency. In 2015, we emphasised that the recommendations arising from seven reports proceeding our phase 1 review should be implemented to reform the Victoria Police disciplinary system. In 2017, we observed that the reform of the disciplinary system remained in planning and found that the plans reflected the broad need to simplify the disciplinary system and embed victim-centricity across its processes.

What we found in 2015

In 2015, the Commission found that Victoria Police's disciplinary system for police members and PSOs was complex and time-consuming, lacked victim-centric processes and resembled a criminal, rather than civil, system. The system was inconsistent with the organisation's system for VPS employees and ordinary employment practices.

We noted a range of significant issues with the system, including the application of a criminal standard of proof to disciplinary matters, disciplinary actions being delayed until the completion of any related criminal matters, perceived lack of impartiality in investigations of complaints and, crucially, an ongoing lack of safety for victims/survivors of workplace harm. These findings were consistent with those of numerous public reports on the system.²⁶

In Recommendation 20, we strongly urged Victoria Police to streamline and simplify the existing discipline system. We called on the organisation to:

- eliminate differences in complaint-handling and discipline systems between police members and PSOs and other employees

- increase local management capability for decision-making in discipline matters
- reduce complexity and increase timeliness, including ensuring swift and certain dismissal for serious conduct
- embed victim-centricity
- streamline the review and appeal processes.

This recommendation drew substantially on the previous reports noted above, particularly the 2007 Office of Police Integrity report.²⁷

What we found in 2017

In 2017, the Commission found that Victoria Police had made significant progress in implementing Recommendation 20. The organisation had reviewed the recommendations from all relevant reports and mapped its disciplinary system. It had also analysed the underpinning legislative framework and researched analogous systems in comparable organisations. Based on this thorough groundwork, it developed a project proposal for a reformed discipline system that would hold employees to account for all misconduct, including workplace harm.

Progress in achieving change

Since 2017, Victoria Police has made some initial changes to the existing disciplinary system. For example, it has developed a policy framework for local management resolution of complaints and a process whereby affected parties can apply to have an investigation ended early. The Commission notes that this framework, once incorporated, may improve the timeliness of the system.

Victoria Police has developed review rights for management decisions and a new system for notifying IBAC of complaints.

The organisation has also developed project plans that refer to further changes to the system that were due to be implemented by early 2019. These changes included, for instance, simplifying complaint classifications and outcome determination categories and mandatory recording of complaints.

In addition, Victoria Police has created a comprehensive communications plan to accompany the release of the proposed reform project. There are plans in place to evaluate the effectiveness of organisational communications, although the proposed evaluation methods simply assess whether certain items have been physically seen and do not assess employee understanding of the messages or the reforms.

Despite these positive indications, progress in implementing Recommendation 20 has stalled, which has meant that the reforms planned for 2018 and 2019 have not been implemented.

Impact of reform

The changes that Victoria Police has made to its disciplinary system so far have been minor and have not led to significant improvements in the management of disciplinary matters. The Commission can therefore only surmise that the system existing in 2015 remains largely intact and that the problems with its processes persist.²⁸

The delays in the criminal and discipline processes continue to further harm victims. The rights of the offenders are placed before any rights of the victims. Natural justice and procedural fairness are supposed to be equal for all parties. They are not.

What measures are still needed?

The Commission stresses the continuing, pressing need for Victoria Police to prioritise implementing Recommendation 20. We urge Victoria Police to continue working with IBAC and the Victorian Government to overhaul the disciplinary system.

Once implemented, it is critical that Victoria Police regularly evaluates the new system. Victoria Police's proposed method of evaluation would take account of internal documentation, quantitative data and qualitative feedback from stakeholders, complainants and victims/survivors. This evaluation should therefore provide Victoria Police with insight into the timelines of complaint resolution and stakeholder satisfaction with the process. The evaluation should be ongoing, rather than point-in-time exercises, as proposed, and data should be collected against the outcome monitoring framework metrics (see Part III).

The Commission concludes, based on the above analysis, that Recommendation 20 remains in planning.

RECOMMENDATION 20

Remodelling the discipline system

In planning

8.2.2 UNDERSTANDING EMPLOYEE OBLIGATIONS

A range of complex and intersecting legislation governs Victoria Police's complaints and disciplinary system, which affect victims/survivors and witnesses of workplace harm. As an employer, Victoria Police must provide practical guidance to enable its employees to comply with their legal obligations and receive adequate help.

Recommendation 18 and part of Recommendation 16 are considered in this section as they are both relevant to this legislative framework.

Allowing information sharing about protected disclosures for help-seeking purposes

IBAC investigates allegations of corruption committed by public officers.

Members of the public can complain about corrupt conduct.²⁹ Also, when police members or PSOs believe another member or PSO may be guilty of misconduct, as defined by the Victoria Police Act,³⁰ they must make a complaint to a more senior-ranking member or IBAC.³¹

Certain complaints, including these mandatory reports, are considered 'protected disclosures'. This means that information regarding the complaint cannot be discussed, even by a victim/survivor, except in certain narrow circumstances.³² Legislative restrictions on sharing information about protected disclosures did not provide exceptions for a complainant or witness to seek help.

What we found in 2015

In 2015, the Commission found that the restrictions on information sharing prevented victims/survivors from accessing support or compensation, compounding the negative impacts of extant workplace harm.

In Recommendation 18, we urged the Victorian Government to consider whether the legislation prevented disclosures in order to facilitate access to support services or WorkSafe Victoria. If such barriers existed, we recommended reform to create a clear statutory right to seek help related to a protected disclosure.

What we found in 2017

In 2017, the Commission found that:

Victoria Police has engaged in stakeholder engagement with the Department of Premier and Cabinet, the Department of Justice and Regulation, and IBAC on the subject of legislative reforms to the protected disclosure regime.³³

Progress in achieving change

In early 2019, the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* (Vic) was passed in the Victorian Parliament, with a commencement date of 1 January 2020. When they commence, the amendments will substantially change the protected disclosure rules,³⁴ crucially giving victims/survivors an explicit legislative entitlement to disclose information related to protected disclosures for the purposes of seeking support and workers' compensation.³⁵

Impact of reform

Importantly, the amendments will ensure that victims/survivors of workplace harm who are subject to protected disclosure obligations can access professional welfare support. As such, the Commission considers that no further steps are needed to implement this aspect of Recommendation 18.

Ensuring awareness of mandatory reporting requirements

As noted above, when a police member or PSO believes that another member or PSO may be guilty of misconduct, they must make a complaint about that conduct to a police member of a more senior rank or IBAC.³⁶

What we found in 2015

In 2015, the Commission found that Victoria Police's policy frameworks did not provide adequate guidance to enable employees to properly understand their obligations under mandatory reporting legislation, specifically:

- the kinds of behaviour that might constitute misconduct
- how the reporting obligations of different cohorts differ
- what a 'reason to believe' means in the context of enlivening reporting obligations.

We found that this lack of interpretational guidance created a risk that employees would misinterpret misconduct as conduct that did not require mandatory reporting.

Along with setting clear expectations around values and behavioural expectations, Recommendation 16 called for clearer guidance to help employees understand their obligation to report misconduct and systems to enable Victoria Police to respond promptly with disciplinary inquiries.

What we found in 2017

By June 2017, Victoria Police had started developing guidance on mandatory reporting to follow the implementation of the proposed new disciplinary system.³⁷ It determined that detailed training on both interpreting the legislative framework around complaints and the revised disciplinary system should be conducted concurrently to reduce employee confusion and increase overall understanding.

The Commission advised that this left a significant gap in knowledge until the disciplinary reforms were fully implemented, during which there would be an ongoing risk of employees not complying with their mandatory reporting obligations.

Further, while substantive reforms to the confidentiality provisions in the *Protected Disclosure Act 2012* (Vic) and the *Victoria Police Act* were being considered, no substantive reforms to the mandatory reporting system had been proposed. Any developments to the disciplinary system would have been unlikely to change the guidance needed under the legislative framework and any guidance developed before implementation of the disciplinary reforms would still be relevant after a new system is imposed.

Progress in achieving change

The Commission has heard from leaders in Victoria Police that some efforts have been made to draft reformed policy guidance. However, we are unsure of the stage at which this drafting sits and whether the guidance is set to be finalised soon.

Impact of reform

The Commission has heard that employee obligations are not consistently understood or applied. This creates organisational risks, including of non-compliance with employee legal obligations, continuing harm when misconduct is not reported and inconsistent responses to serious conduct.

The Commission has also heard that the definitions of corrupt conduct in the *Independent Broad-based Anti-corruption Commission Act 2011*³⁸ and breaches of discipline in the *Victoria Police Act*³⁹ lead to the inconsistent categorisation of sex discrimination and sexual harassment, including predatory behaviour, as conduct giving rise to a disciplinary process. The framing of the legislation affects the ability of Victoria Police and external bodies to categorise allegations of such behaviour, in a way that is consistent with their seriousness and impact.

IBAC assesses complaints by Victoria Police members about sexual harassment and sex discrimination to determine whether they constitute protected disclosures under the Protected Disclosure Act 2012. Generally speaking, IBAC treats complaints by police members against other police members as protected disclosures pursuant to section 5 of the Protected Disclosure Act 2012.

IBAC then assesses whether the complaint should be investigated by IBAC, referred to Victoria Police or dismissed. Generally speaking, IBAC considers that complaints about sexual harassment and sex discrimination fall within IBAC's jurisdiction on the basis that it is 'conduct which is likely to bring Victoria Police into disrepute or diminish public confidence in it' or 'disgraceful or improper conduct'...

IBAC's approach is based on its understanding of community expectations about the manner in which Victoria Police members will conduct themselves and treat their colleagues and members of the community, as well as community standards about the seriousness of sexual harassment, discrimination and offences. Nevertheless, IBAC considers that the definitions of 'police personnel conduct' and 'police personnel misconduct' do not adequately capture the nature of sexual harassment and sex discrimination or the adverse effect that it has on public confidence in Victoria and police members and staff. The definitions direct attention to the impact of such conduct on individual complainants, and do not reflect well the cumulative and corroding effect of sexual harassment and sex discrimination on public confidence in Victoria Police.

The Commission emphasises the significant impact of the multiple definitions of misconduct under the existing legislative scheme. Across the review, we have continued to report that sex discrimination and sexual harassment, including predatory behaviour, have a significant and cumulative impact that undermines the confidence of the community in Victoria Police. The legislative framework responding to harmful behaviour in Victoria Police must ensure that incidents of workplace harm are considered in a way that is proportionate to their significant detrimental impact.

What measures are still needed?

Because legislative reform is not required to draft internal policy guidance, the Commission believes Victoria Police should prioritise and streamline the completion of this project to ensure that employees understand their legislative obligations.

The Commission has recommended an amendment to the legislative definitions of corrupt conduct and misconduct in Recommendation 13 in Chapter 10.

The Commission concludes that Victoria Police has implemented Recommendation 18.

RECOMMENDATION 18

Implementing protected disclosure changes

Implemented

8.2.3 RISK MITIGATION IN CASES INVOLVING SERIOUS ALLEGATIONS

What we found in 2015

In 2015, the Commission discovered that many police members and PSOs who were the subject of disciplinary inquiries for allegations of sex discrimination and sexual harassment had resigned while under investigation. A statement of service, which may be requested by a former Victoria Police employee, did not identify the context of a former employee's resignation.

The Commission found that many subjects of these disciplinary processes exited the organisation carrying the prestige and trust inherent with the role of a police member and took up jobs where they interacted with vulnerable members of the community. There was no formalised mechanism to alert the public or future employers about these former employees' alleged misconduct.

In Recommendation 16, we urged Victoria Police to revise its classifications at the end of service to include a designation of 'resigned under investigation' and that this be used in the Gazette and any statements of service.

What we found in 2017

In 2017, the Commission found that Victoria Police had reviewed their procedures and decided not to use a revised classification in the Gazette. We advised the organisation to continue considering different mechanisms to mitigate the risks that the subject of an investigation into alleged serious misconduct may pose to the community.

Progress in achieving change

Since 2017, the Commission has heard that Victoria Police has updated its end-of-service policy to address instances where employees have resigned prior to the resolution of discipline or criminal matters. We understand that the policy now requires 'resignation while under investigation status' to be included on statements of service for any such former employees. While this would appear to meet our guidance under Recommendation 16, we have not received or reviewed the amended policy and therefore cannot assess whether this aspect of Recommendation 16 has been implemented effectively.

Impact of reform

Because Victoria Police has not provided a copy of the amended policy, we are unable to assess the extent to which this policy appropriately mitigates the risks presented by employees who have resigned while under investigation for serious allegations.

What measures are still needed?

The Commission acknowledges the natural justice concerns involved in publishing information relating to a person who resigned under investigation. However, we believe that these concerns must be balanced against the seriousness of the behaviours in question and the significant risks that the perpetrators present to the community. We therefore reiterate our initial guidance to change the policy around end-of-service classifications and continue investigating ways of protecting the public from subjects of serious allegations.

8.2.4 CONCURRENT RUNNING OF CRIMINAL AND DISCIPLINARY MATTERS

What we found in 2015

In 2015, the Commission found that Victoria Police consistently delayed internal disciplinary processes until criminal investigations and proceedings were finalised. The primary rationale given for this practice was a concern that the outcome of a disciplinary matter might prejudice the member's rights in a criminal process.

We expressed our concern that this practice created unnecessary delay and uncertainty, creating additional harm. It entrenched the misconception that disciplinary matters must be proven to a criminal, rather than civil, standard of proof. The delays also resulted in organisational costs, such as potentially paying for leave for an employee who is then terminated after wrongdoing is substantiated and encouraging a perceived lack of accountability for wrongdoers.

In Recommendation 16, we urged Victoria Police to pursue concurrent processes unless doing so would create a real risk of prejudice to a criminal proceeding.

What we found in 2017

In phase 2, Victoria Police advised the Commission that it had sought verbal advice from the Victorian Government Solicitor's Office on the concurrent running of disciplinary and criminal investigations. It advised the organisation that proceedings should not be run concurrently because it risked prejudicing criminal hearings.

Victoria Police therefore planned to include proposals for legislative reform to progress concurrent proceedings in a larger legislative reform package. However, the Commission also heard conflicting positions within Victoria Police, that:

- the reforms to the disciplinary system would achieve the concurrent running of disciplinary and criminal matters
- legislative reform was not required to allow concurrent proceedings.

Given the apparent confusion regarding this matter, we advised Victoria Police to consider all options for reform and that if a legislative reform agenda is put forward, it must be explicit in its submissions regarding concurrency.

Progress in achieving change

Since 2017, Victoria Police has determined that there are no legislative impediments to introducing concurrent criminal and disciplinary processes. No risks were identified, apart from the risk to criminal proceedings identified by the Victorian Government Solicitor's Office. The organisation's research has highlighted that this practice does not exist in comparable police jurisdictions.

The Commission is not aware of any further steps Victoria Police has taken to provide concurrent disciplinary and criminal processes. We understand that this reform has been enveloped within the broader reforms to the disciplinary system (Recommendation 20), which, as discussed, have been delayed.

Impact of reform

Due to the ongoing reform delays, disciplinary matters continue to be postponed until the conclusion of any criminal proceedings, with the result that victims/survivors are exposed to further risks of continuing harm, including from secondary trauma through dealing with an extended disciplinary procedure. It also means the organisation is incurring other financial and human costs related to ongoing proceedings, including reduced capacity, unplanned leave and detrimental impacts to organisational culture.

What measures are still needed?

The Commission continues to recommend that Victoria Police, whether through legislative reform or internal policy reform, handle criminal and disciplinary processes concurrently.

Noting the findings set out above and in Section 8.1.1, the Commission concludes that Victoria Police has implemented Recommendation 16 to a moderate extent.

RECOMMENDATION 16	Embedding Victoria Police values and resolving legislative and process issues in the complaints and discipline framework	Implemented to a moderate extent
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8.3 Best-practice reviews of disciplinary decisions

Workplace harm by a police member or PSO can be considered ‘disgraceful or improper conduct’ under the Victoria Police Act and, if proven, is grounds for dismissal.⁴⁰ An employee can apply to the Police Registration and Services Board to review the decision.⁴¹ The board must affirm the decision, unless satisfied the discipline given was ‘harsh, unjust or unreasonable’.⁴²

Recommendation 19 emphasised the importance of Police Registration and Services Board members having the necessary skills and knowledge to make decisions that comply with equal opportunity and human rights law. It also emphasised that all members understand the impacts for victims/survivors of sex discrimination and sexual harassment. In Section 8.3, we describe the board’s work to implement Recommendation 19.

What we found in 2015

In 2015, the Commission noted several concerns regarding reviews of disciplinary decisions. We heard that the Police Registration and Services Board failed to consistently apply the public interest consideration, which requires it to consider the impact of the decision on the ‘integrity of, and community confidence in, Victoria Police’.⁴³ Additionally, while the board has to consider the applicant’s interests, it did not have to consider how the applicant’s behaviour affected the victim/survivor.⁴⁴

In Recommendation 19, the Commission called on the Police Registration and Services Board to provide its members with contemporary and ongoing training on the impacts of sex discrimination and sexual harassment, and equal opportunity and human rights law. We also urged it to work with specialists to develop guidelines on applying this law and victim impact statements in review decisions.

What we found in 2017

In 2017, the Commission found that the Police Registration and Services Board had developed and published a practice note on the conduct of reviews. Among other things, it directs Victoria Police to address in its submissions the impact on victims/survivors and any evidence of the perpetrator's previous impropriety.

We found that the board had appointed new sessional members with expertise in the sex discrimination, sexual harassment, victim/survivor support and equal opportunity and human rights law.

We also found that the board had facilitated various trainings for its members in 2016 and 2017. This included training by the Commission on the Victorian Charter and other training on writing decisions and reducing unconscious bias in decision-making.

We advised the board to update the selection criteria for new members to include knowledge of contemporary workplace relations, the public interest relating to police conduct and gender and human rights issues. We also advised it to continue to provide members with information and training on discrimination and harassment.

Progress in achieving change

Since 2017, the Police Registration and Services Board has continued to act to implement Recommendation 19. While the board has not formally amended the member selection criteria, it has recruited members with the recommended expertise, thereby fulfilling the recommendation's intent. The board has also continued to train its members, including through two half-day sessions, delivered in 2018, on discrimination, unconscious bias, decision-making and the Victorian Charter.

Impact of reform

Recent decisions of the Police Registration and Services Board show a nuanced and robust understanding of the impacts of workplace harm.⁴⁵ These decisions show that the board now regularly considers the impact of police members' wrongdoing on victims/survivors, colleagues and Victoria Police.⁴⁶ It also rigorously considers public interest implications in terms of:

- protecting human rights
- safeguarding public trust in Victoria Police
- deterring other employees' poor behaviour
- the need to challenge an entrenched culture of sexism and inappropriate workplace behaviour and protect human rights.

The Commission commends the board's significant work to improve its statutory function. We also acknowledge the board's work with Victoria Police to update the latter's values, embed fairness across its promotional systems and improve organisational messaging around merit and capability.

Noting the findings above, the Commission concludes that Recommendation 19 has been implemented.

RECOMMENDATION 19

The Police Registration and Services Board reviews disciplinary decisions in line with best practice

Implemented

Notes

- 1 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 22.
- 2 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 23; R. Ely and D. Meyerson, 'An organisational approach to undoing gender: the unlikely case of offshore oil platforms' (2010) 30 *Research in Organisational Behaviour* 3.
- 3 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 23.
- 4 Hillary Odiakoase, 'Organisational Culture and Dynamics' (2018) *Global Journal of Management and Business Research* 18, 23–25; Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 19.
- 5 Victoria Police, *Annual Report 2017–2018* (State of Victoria, 2018) 4.
- 6 Victoria Police, *Victoria Police Manual – Policy Rules – Professional and ethical standards* (2016) 1.
- 7 See for example, Victoria Police, 'Code of Conduct', *Police- about the role* (PDF, 2016) <https://content.police.vic.gov.au/sites/default/files/2019-01/VictoriaPoliceManual_ProfessionalStandards.pdf?_ga=2.117940480.82247372.1561341143-501753845.1560834226>.
- 8 Victoria Police, *Victoria Police Manual – Policy Rules – Professional and ethical standards* (2016) 1.
- 9 Victorian Public Sector Commission, *Code of Conduct for Victorian Public Sector Employees of Special Bodies* (State of Victoria, 2015).
- 10 The Victorian Public Sector values are set out in section 7 of the *Public Administration Act 2004* (Vic): responsiveness, integrity, impartiality, accountability, respect, leadership and human rights.
- 11 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Improving institutional responding and reporting, Volume 7* (Commonwealth of Australia, 2017) 211; Australian Human Rights Commission, *Review into the Treatment of Women in the Australian Defence Force: Phase 2 Report* (2012) 272.
- 12 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Improving institutional responding and reporting, Volume 7* (Commonwealth of Australia, 2017) 211; Australian Human Rights Commission, *Review into the Treatment of Women in the Australian Defence Force: Phase 2 Report* (2012) 272.
- 13 See for example, Australian Human Rights Commission, *Change the course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* (Australian Human Rights Commission, 2017) 180.
- 14 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Improving institutional responding and reporting, Volume 7* (Commonwealth of Australia, 2017) 140.
- 15 See Chapter 5 for more information regarding the role of the Independent Advisory Group.
- 16 The Commission did not receive data on the number of complaints made to Safe Space.
- 17 The Commission requested data from 2018 on: how many matters reported to OneLink are referred back to a manager; how many matters reported to OneLink are referred to Taskforce Salus or Professional Standards Command; how many matters reported to OneLink are subsequently resolved at a local level; the number of reports of workplace harm received by Safe Space; the outcomes of all matters resolved by OneLink; and the outcomes of matters resolved by Taskforce Salus. These data were not provided to the Commission.
- 18 This includes developing specialist expertise and a sophisticated understanding of sexual and child abuse offences and providing victims/survivors with empathetic and empowering support. This victim-centric response is aimed at minimising re-traumatisation and assisting victims/survivors to recover. See Victoria Police, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018–2023* (State of Victoria, 2018) 4, 14.
- 19 Jennifer E. Swanberg, 'Illuminating Gendered Organization Assumptions: An Important Step in Creating a Family Friendly Organization: A Case Study' (2004) 7(3) *Community, Work & Family* 3, 5.
- 20 Victoria Police, *Victoria Police Mental Health Review: An Independent Review into the Mental Health and Wellbeing of Victoria Police Employees* (State of Victoria, May 2016) 10–13.
- 21 See Chapter 5 for further details on the Gender Equality Strategy and Action Plan.
- 22 Robert MacCoun, 'Voice, Control, and Belonging: The Double-Edged Sword of Procedural Fairness' (2005) 1 *Annual Review of Law and Social Science* 171, 185.
- 23 Australian Human Rights Commission, 'Good Practice Guidelines for Internal Complaint Processes' (November 2014) 1–2.
- 24 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Improving institutional responding and reporting, Volume 7* (Commonwealth of Australia, 2017) 140.

- 25 United States Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace* (June 2016) 40, 43.
- 26 Office of Police Integrity Victoria, *A Fair and Effective Victoria Police Discipline System* (State of Victoria, October 2007); Office of Police Integrity Victoria, *Improving Victoria Police Discipline and Complaint Handling Systems* (State of Victoria, July 2008); Office of Police Integrity Victoria, *Improving Victoria Police Discipline and Complaint Handling Systems: A Progress Report* (State of Victoria, June 2011); Office of Police Integrity Victoria, *Enabling a Flexible Workforce for Policing Victoria* (State of Victoria, September 2011); State Services Authority Victoria, *Inquiry into the Command, Management and Functions of the Senior Structure of Victoria Police* (State of Victoria, November 2011); Independent Broad-based Anti-corruption Commission, *Audit of Victoria Police Complaints Handling Systems at Regional Level* (State of Victoria, September 2016); Independent Broad-based Anti-corruption Commission, *Operation Ross: An Investigation into Police Conduct in the Ballarat Police Service Area* (State of Victoria, November 2016).
- 27 Office of Police Integrity Victoria, *A Fair and Effective Victoria Police Discipline System* (State of Victoria, October 2007).
- 28 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria* (Parliamentary Paper No 432, September 2018) 169–310.
- 29 *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) s 4.
- 30 *Victoria Police Act 2013* (Vic) s 166.
- 31 *Victoria Police Act 2013* (Vic) s 167(3).
- 32 *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ss 52, 54.
- 33 Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase 2 audit* (State of Victoria, 2017) 256.
- 34 *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* (Vic) pt 2.
- 35 *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* (Vic) ss 32, 185.
- 36 *Victoria Police Act 2013* (Vic) s 167(3).
- 37 See Section 8.3 for further details on Victoria Police's progress in implementing Recommendation 20.
- 38 *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ss 4.
- 39 *Victoria Police Act 2013* (Vic) s 125.
- 40 *Victoria Police Act 2013* (Vic) ss 125(1)(j), 132.
- 41 *Victoria Police Act 2013* (Vic) s 146.
- 42 *Victoria Police Act 2013* (Vic) s 152(2).
- 43 *Victoria Police Act 2013* (Vic) s 151.
- 44 *Victoria Police Act 2013* (Vic) s 151.
- 45 *Applicant D Smith* (2017) PRSB Decision A107/2016; *Applicant G Lambden* (2017) PRSB Decision A74/2017; *Applicant 'PCT'* (2017) PRSB Decision A151/2017; *Applicant 'ASM'* (2018) PRSB Decision A169/2017.
- 46 The decisions were chosen based on date and relevance to the review's Terms of Reference. We analysed all four of the decisions published since 2017 that related to inappropriate workplace conduct or sexual harassment and/or sex discrimination occurring within the organisation. We analysed these decisions based on the elements of Recommendation 19 in 2015, specifically: the extent to which decision-makers were taking into account public interest implications, evidence as to the impact of the behaviour on any victims/survivors and equal opportunity and anti-discrimination law.

Part III. The state of gender equality in Victoria Police

Whereas Part II of this report looked back at Victoria Police's progress in implementing the phase 1 recommendations, Part III looks at the current state of gender equality in Victoria Police and sets out what the organisation needs to do to achieve its desired future state of gender equality.

- **Chapter 9** provides a snapshot of current experiences of sex discrimination and sexual harassment in Victoria Police. It also details the Commission's findings about the state of gender equality in Victoria Police in 2018 across the 10 domains in the outcome monitoring framework (see Appendix C).
- **Chapter 10** identifies areas where Victoria Police needs to improve to achieve gender equality by 2030 and maps out clear priorities for the organisation as it embarks on the next phase of its change journey. Chapter 10 also aims to equip Victoria Police with robust guidance and recommendations to take the reform work forward.

Victoria Police's journey of change since 2015

The Commission's phase 1 report sought to address the drivers of gender inequality and harm in Victoria Police through 20 recommendations that focused on creating new structures and systems in the organisation. Since December 2015, Victoria Police has dedicated substantial resources, strategic focus, leadership and investment into implementing these recommendations (see Part II). This work has created the foundations for change, resulting in tangible positive outcomes.

In 2018, we assessed an organisation in which most of these foundational structures to create and maintain reform have been established and are now operational. The most challenging aspect of Victoria Police's journey going forward is the ongoing work to address the embedded and persistent drivers of gender inequality that remain in the organisation. The change journey will continue to take leadership, resources and sustained commitment. The organisation's focus going forward must be measured against what it wants to become – a more capable, respectful, safe and gender equal workforce.

AN EMERGING POSITIVE STORY OF CHANGE

Victoria Police is today in many respects a different organisation to the one it was in 2015. The Commission has heard that the organisation's culture has started to transform, and new systems and structures are beginning to address the drivers of sex discrimination and sexual harassment.

Across all data sources, there is an emerging story of positive change. Participants told us about a tangible shift in their workplace culture and employee behaviour.

I have noticed a massive change in member behaviour – for the better. I find the work environment I am in now, as opposed to five years ago, much more inclusive and less tolerable of inappropriate behaviours.

Participants told us that this change journey has required them to reflect deeply on their own actions in creating a harmful culture.

I am not proud of everything I have done in Victoria Police ... As society changes, Victoria Police is changing and needs to change. Yes, we have history, but as things evolve, we are changing and getting better ... We have had our own truth and [conciliation] process.

We see in workforce and survey data that there is increased equality in Victoria Police for women in 2018, compared to 2015. Female police members are experiencing a positive levelling of a promotion and progression playing field that has, until very recently, privileged men and disadvantaged women. Flexible work is increasing for women and men, enabling more employees to have a healthier balance between their job and their families. This, and other key measures of gender equality, are the result of deliberate, corrective action to remove structural barriers for women and transform Victoria Police into a fairer organisation.

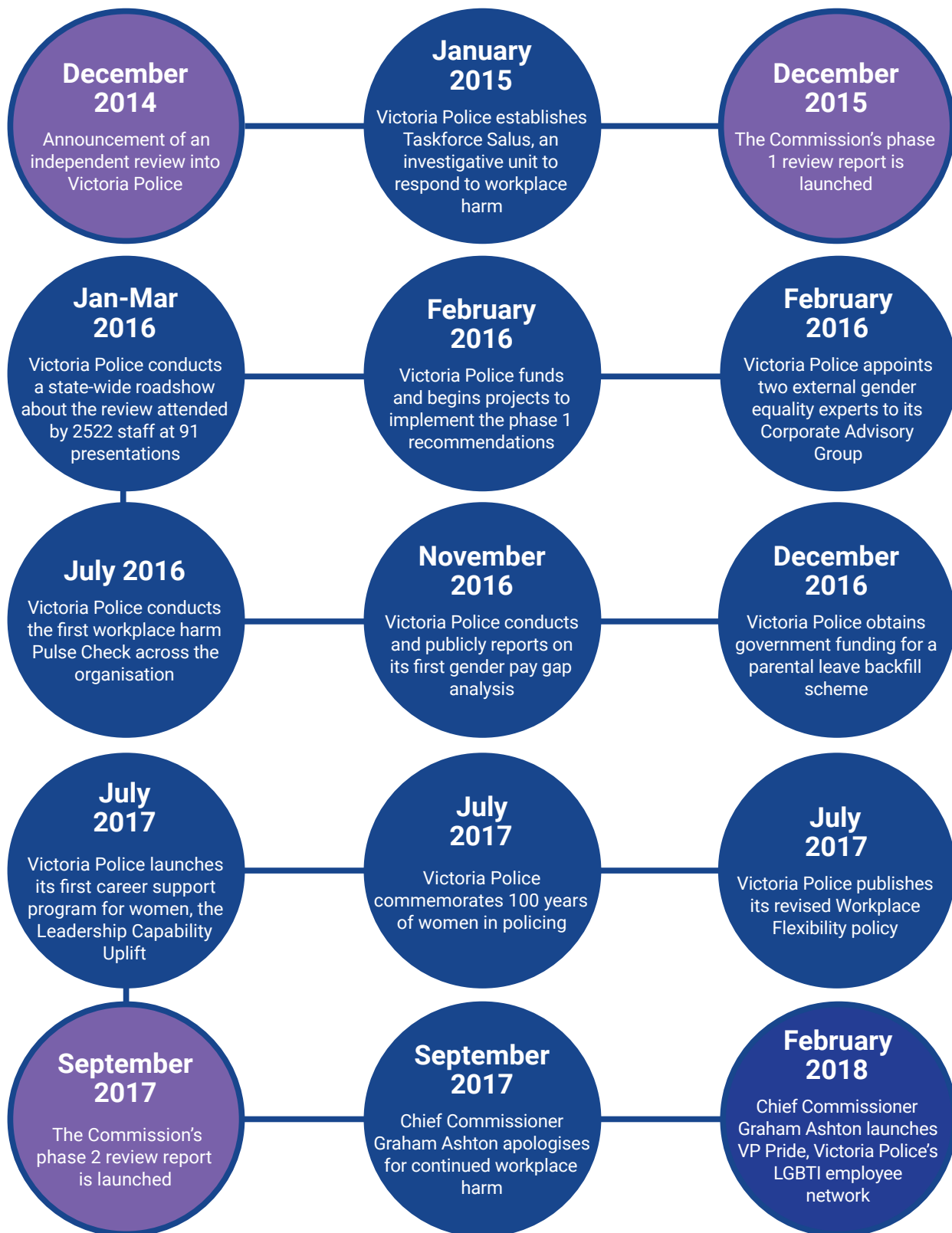
We have seen evidence that committed individuals at all ranks and levels are driving change in their workplaces and making those workplaces safer and more inclusive. A key example is the work of Women in Policing Local Committees, whose members are driving gender equality initiatives in their local areas and using their voices to keep Victoria Police accountable for change. Employees who have taken on the responsibility to be Stand Practice Leaders are supporting safer and more inclusive workplaces, challenging resistance and gender stereotypes and championing the benefits of gender equality for women and men and the organisation.

We have seen a cultural shift that is beginning to change the policing identity from the default of a full-time, hypermasculine and stoic front-line employee to a focus on empathy, inclusive and self-reflective people management and leadership that promotes a culture of 'confident humility'.¹ Many employees told us that they understand the importance of this work and why the Victorian community demands that it happen.

There is a sense of expectation from the community for the police to be held to a higher standard ... The community has, and they are right to, a higher expectation of us.

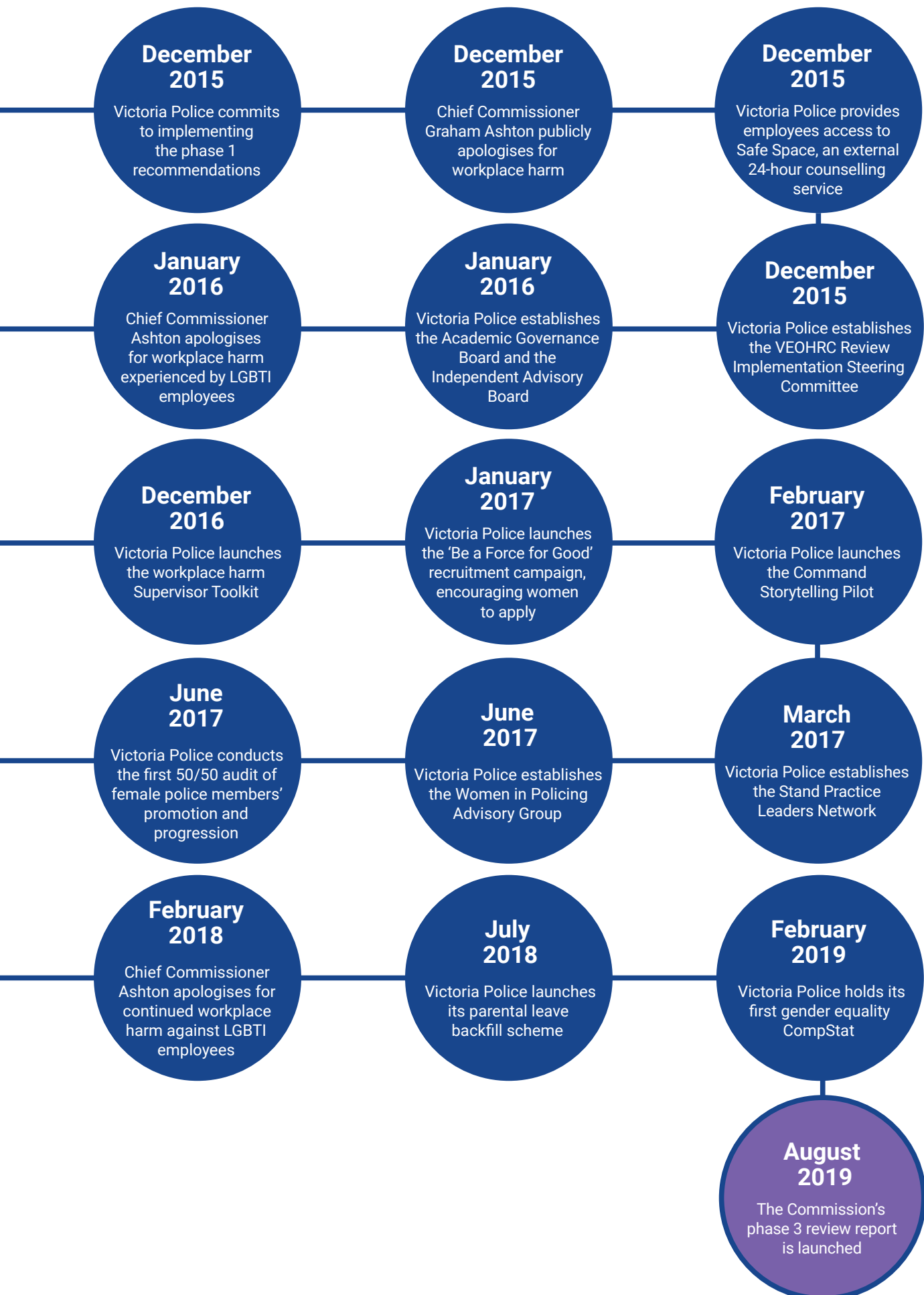
I am proud of what Victoria Police is doing in response to [the Commission's] review, it makes VicPol much more an employer of choice for me, I see it as leading community and social change.

Figure 16 – Key milestones in the gender equality journey



KEY MILESTONES IN VICTORIA POLICE'S GENDER EQUALITY JOURNEY

There have been a number of key milestones in Victoria Police's journey towards gender equality from 2015 to today. This figure provides a snapshot of these milestones, with the full extent of the work undertaken by Victoria Police captured throughout this report.



RESISTANCE TO GENDER EQUALITY REFORMS

Advancing major structural and cultural gender equality reforms in a male dominated organisation with a 167-year history is challenging. Police organisations were created by and for men, resulting in an internal culture and systems embedded with sex discrimination. Other policing organisations have acknowledged the challenges inherent in this kind of cultural change.²

Resistance is a normal and expected product of transformative organisational change and is most likely to come from those who benefit from maintaining the status quo.³ In gender equality initiatives, resistance commonly arises from men seeking to protect their privilege by upholding social, industrial and organisational norms.⁴ This resistance is not always conscious and is often driven by misunderstanding and fear. Women who benefit from the status quo or who want to maintain their standing among men can often also resist change.⁵

Resistance to gender equality can take a variety of forms.⁶ It can be passive, for example, when someone denies that gender inequality exists or refuses to act to address gender inequality. Or, it can be active, as in repressing change initiatives or attacking the credibility of those who implement them.

Due to the scale of change being progressed, as well as challenges in communicating the need or case for that change (see Chapter 5), Victoria Police has experienced significant resistance from some parts of the organisation. Across our data sources, the Commission heard strongly from some men and a smaller number of women that they didn't agree with certain aspects of Victoria Police's gender equality reforms. We heard that this resistance is expressed in multiple ways, including through resistance to gender equality initiatives, negative attitudes towards women who are perceived to benefit from change and complaints that men are now being discriminated against, often referred to as 'reverse discrimination'.⁷

Figure 17 below sets out the drivers and expressions of backlash in Victoria Police, as well as the impacts on women that we heard from participants, across all data sources.

Figure 17 – Drivers and impact of resistance in Victoria Police⁸



Lack of understanding about gender equality

I don't agree with 50/50 balance just for the sake of it, males and females are different in every way...The best person for the job should always be the number one priority, not a 50/50 split which causes our organisation to move forward at a slower rate.

Change fatigue

People are a bit over it. Another forum. Another focus group. That's exactly how I feel every time I open my emails and I see another email there, I've been there, I've done this, I don't want to do it again.



Masculinised industry norms and stereotypes

We are a hierarchical, paramilitary organisation for a reason. All of a sudden people are a victim and we're just telling them to do their job.

We're not making coffees in this job.

Cultural norms

If you have engaged in some fun banter, there's always someone else listening and then the story goes to someone else again; if the person involved isn't offended, they get dragged into the bosses office and asked why they weren't offended.



Fear of loss of status and opportunities

A policeman said he was struggling because his whole career he was promised 8 out of the 10 seats at the table and now it was only 5. This whole idea that there's no room for anyone else – the pipeline was so small and now we're making it smaller and people feel attacked.

What's the impact on women?

Feeling as though their achievements are undermined

Pressure to constantly prove their worth in their role

Reluctance to put themselves forward or seek promotion

Feeling commodified and pushed into roles based on gender

The Commission emphasises that achieving gender equality is not a zero-sum game, where only one gender at a time enjoys freedom and privilege at the expense of another.⁹ Furthermore, it is important to acknowledge that the existence of this resistance is not inherently problematic and is consistent with the organisational change experiences of other organisations, including in law enforcement.¹⁰

The enormity of change can be confronting because it requires challenging a number of deeply-entrenched notions about the policing identity.¹¹ In an organisation as traditional and close as the police,¹² the identity of employees is often closely linked with that of their profession.¹³ Efforts to transform the 'identity' of the profession can therefore be construed as a personal attack.¹⁴

RESPONDING TO RESISTANCE TO GENDER EQUALITY REFORMS

If it is to achieve its vision of a safe, gender equal and respectful workplace by 2030, it is critical that Victoria Police directly addresses resistance and its resulting impact with evidence-based techniques.

A powerful way to counter resistance is a strong, clear and compelling case for change that explains the benefits of gender equality for every employee. Resistance will be reduced when more members understand and personally connect with the evidence that gender equality drives safety and respect in the workplace and increases individual and organisational capability.¹⁵ For this case for change to be effective, it must focus on gender equality (see Chapter 4) and emphasise this as the key driver of capability.¹⁶

A second powerful way to counter resistance is to equip managers and supervisors to respond to resistance in their workplaces directly. This means addressing all undermining comments and behaviour with the same seriousness as any other harmful behaviour.

Building a roadmap to drive change

Achieving change of the scale needed in Victoria Police requires dedicated leadership at all levels of the organisation. It requires a clear and enduring strategic vision that recognises that gender equality will deliver a safer and more cohesive workforce, more effective service delivery and broader social change. Achieving change also requires continued investment and resources supported by rigorous evaluation to ensure that Victoria Police continues to learn and improve throughout its change journey.

THE OUTCOME MONITORING FRAMEWORK

To support Victoria Police on its change journey, the Commission developed an outcome monitoring framework (see Appendix C) against which the organisation can measure its progress in achieving gender equality.











As explained in Chapter 1, the Commission's outcome monitoring framework is a robust monitoring and evaluation tool that has enabled us to:

- assess the current state of gender equality in Victoria Police
- set a baseline for the organisation's ongoing work to achieve gender equality by 2030.

The framework sets out a clear map for Victoria Police to measure its progress towards gender equality. It aims to ensure that the organisation has the data it needs to measure the organisation's progress towards its goals and can respond to emerging challenges along the way.

KEY DOMAINS IN THE FRAMEWORK

The outcome monitoring framework sets out 10 key areas of focus, also known as domains, that are essential for achieving gender equality in Victoria Police by 2030.

Leadership 	Women's voices 	Values 	Representation and equal pay 	Flexibility 
Leadership drives a culture of inclusion and respect	The voices of women are elevated across the organisation	The values of safety, respect and inclusion drive employee behaviour	Women are paid and represented equally across all ranks and roles	All employees are supported to work flexibly
Pregnant employees, and parents and carers 	Promotion and progression 	Safety and victim-centricity 	Complaints and discipline 	Data collection and reporting 
Pregnant employees, and parents and carers are supported	Promotion and progression processes are fair and accessible to all employees	Workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre	The complaints and discipline systems are fair, timely, accessible and victim-centric	Data collection and reporting drive accountability and continuous improvement

The framework identifies:

- outcomes under each domain that describe what success looks like
- indicators that identify whether the outcomes are being achieved
- outcome measures that detail how we will know if Victoria Police is making progress towards gender equality informed by key data sources.¹⁷

HOW THE COMMISSION SELECTED THE DOMAINS

The Commission selected the 10 domains in the framework based on our expertise in equal opportunity and human rights laws, experience in improving workplace equality and our deep organisational understanding of what Victoria Police needs to do to embed gender equality. We understood that the particular domains in the framework needed to:

- enable Victoria Police to address the key organisational drivers and impacts of sex discrimination and sexual harassment, identified throughout the review
- link to broader pieces of work across government and the community, such as the Victorian Government's gender equality strategy, ensuring that the organisation's reform journey reflects the ambitions of Victoria in achieving gender equality and preventing gender-based violence against women
- link to Victoria Police's own GESAP and other key organisational strategies, including the Victoria Police Capability Plan
- integrate and build on existing monitoring and evaluation frameworks, including the Workplace Gender Equality Agency Gender Strategy Toolkit, the Victorian Government Performance Management Framework and outcomes arising from the Victorian Government's *Safe and Strong* platform.

Importantly we engaged in a rigorous consultation process with government, the community and leaders within Victoria Police, to develop the framework. Testing the framework with key stakeholders enabled the Commission to assess every domain, goal and indicator to ensure that achieving the vision of the framework will work towards achieving gender equality in Victoria Police. It allowed us to ensure that every metric was developed against the best Victoria Police data to tell a clear, detailed story of progress and respond to embedded and emerging challenges.

HOW THE COMMISSION USED THE FRAMEWORK DURING PHASE 3 OF THE REVIEW

In phase 3 of the review, the Commission used the outcome monitoring framework to gather evidence and analyse the current state of gender equality in Victoria Police. In doing so, we have created baseline data across multiple metrics against the 10 domains that has enabled us to confidently paint an evidence-based picture of the state of gender equality in the organisation today.

Notes

- 1 Victorian Government, *Community Safety Statement 2017* (State of Victoria, 2017) 55.
- 2 These include New Zealand Police, the Royal Canadian Mounted Police, the London Metropolitan Police, the Australian Federal Police and the South Australia Police. See Commission of Inquiry into Police Conduct, *Report of the Commission of Inquiry into Police Conduct Volume 1* (March 2007); Government of Canada, *Rebuilding the Trust* (Report of the Task Force on Governance and Cultural Change in the RCMP, December 2007); London Assembly, *The diversity of the Met's frontline* (Report of the Police and Crime Committee, December 2014); Elizabeth Broderick and Co, *Cultural Change: Gender, Diversity and Inclusion in the Australian Federal Police* (2016) and South Australian Equal Opportunity Commission, *Sex Discrimination, Sexual Harassment and Predatory Behaviour in South Australia Police Independent Review* (State of South Australia, 2016).
- 3 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (2018) (Crime and Justice Research Centre, Queensland University of Technology) 5.
- 4 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (Crime and Justice Research Centre, Queensland University of Technology, 2018) 5.
- 5 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (Crime and Justice Research Centre, Queensland University of Technology, 2018) 10-11.
- 6 VicHealth, *(En)countering resistance: Strategies to respond to resistance to gender equality initiatives* (State of Victoria, 2018) 3.
- 7 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (Crime and Justice Research Centre, Queensland University of Technology, 2018) 10-11.
- 8 Adapted from Chief Executive Women and Male Champions of Change, *Backlash & Buy-in: Responding to the challenges in achieving gender equality* (2018) 10.
- 9 Rebecca Solnit, *Men Explain Things To Me* (Haymarket Books, 2014).
- 10 Abby McLeod and Victoria Herrington, 'Valuing different shades of blue: From diversity to inclusion and the challenge of harnessing difference' (2017) 6 *International Journal of Emergency Services* 177, 181.
- 11 Jennifer Brown et al, 'Implications of police occupational culture in discriminatory experiences of senior women in police forces in England and Wales' (2019) 29(2) *Policing and Society: An International Journal of Research and Policy* 3, 12.
- 12 Angela L. Workman-Stark, 'Chapter 3: Identity and Belonging in Policing' in *Inclusive Policing From the Inside Out* (Springer, 2017) 37-59.
- 13 Angela L. Workman-Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 38-41.
- 14 Jennifer Brown et al, 'Implications of police occupational culture in discriminatory experiences of senior women in police forces in England and Wales' (2019) 29(2) *Policing and Society: An International Journal of Research and Policy*, 12.
- 15 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (Crime and Justice Research Centre, Queensland University of Technology, 2018) 22.
- 16 Michael Flood, Molly Dragiewicz and Bob Pease, *Resistance and Backlash to Gender Equality: An evidence review* (Crime and Justice Research Centre, Queensland University of Technology, 2018) 20.
- 17 Department of Premier and Cabinet, *Outcomes reform in Victoria* (State of Victoria, undated) 5.

Chapter 9.

Gender equality

in Victoria Police

in 2018

Key points

- Victoria Police is a different organisation today than it was in 2015. Key successes point to increased gender equality in certain areas. Challenges remain, however, particularly in organisational responses to unacceptable levels of workplace harm.

Workplace harm occurs at unacceptably high levels in Victoria Police and continues to disproportionately impact women

- 17.4 per cent of female survey respondents and 17.1 per cent of male survey respondents reported experiencing sex discrimination between December 2015 and October 2018. While these appear to be similar results, a systematic review of the data shows that women in Victoria Police are far more likely to be treated unfavourably based on their sex, parental or carer status or pregnancy.
- 25.8 of female survey respondents and 9.8 per cent of male survey respondents experienced sexual harassment in Victoria Police between December 2015 and October 2018. Most alleged perpetrators were men.
- Survey results show that female employees are less likely to feel safe and respected at work in Victoria Police and think there is a greater need for gender equality reforms than male employees.

Just over five years into its gender equality change journey, there is an emerging story of positive change in Victoria Police across 10 gender equality domains, but key challenges remain

- Victoria Police's gender pay gap has decreased from 9.5 per cent in 2016 to 7.6 per cent in 2018. However, income inequality for women, including in superannuation for police members and Protective Services Officers, persists and is driven by systemic sex discrimination.
- A policy of 'all roles flex' enabled more women and men to work flexibly in 2018: 37.9 per cent of female police members and 16.6 per cent of male police members accessed flexible work arrangements last year. However, support for flexible work is not consistent in Victoria Police.
- Victoria Police's investment in supporting pregnant employees, and parents and carers is transforming the experiences of some employees, for example by providing parental leave backfill positions for primary carers. Despite this, far fewer men take parental leave compared to women, and women and men experience discrimination related to balancing work and family.
- Women are benefiting from Victoria Police's deliberate, corrective action to remove gendered, structural barriers in promotion: 10.6 per cent of female police members (n=406) and 5.3 per cent of male police members (n=732) who applied for promotions from 2016 to 2018 were successful. However, female police members are under-represented at most ranks and women accounted for 30 per cent of police member recruits and 18.8 per cent of PSO recruits in 2018, meaning that Victoria Police did not meet its 50/50 recruitment target.
- Workplace harm is chronically under-reported, with only 11 per cent of survey respondents who experienced sexual harassment between December 2015 and October 2018 formally reporting it. Key barriers include fears that reporting will damage their reputation or career and well-founded fears of victimisation.

Chapter 9 details the Commission’s findings about the state of gender equality in Victoria Police in 2018.

- Section 9.1 provides a snapshot of current experiences of sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police.
- Section 9.2 outlines the results of the Commission’s analysis using the outcome monitoring framework. It describes the goals and indicators of success in each domain. It also highlights Victoria Police’s key successes in achieving those goals, as well as key areas where the organisation still needs to improve.

9.1 Current experiences of workplace harm

In phase 3, the Commission asked participants about experiences that occurred since the phase 1 review. It asked participants about:

- experiencing and/or witnessing sex (and related forms of) discrimination, sexual harassment and victimisation¹
- the reporting of these unlawful behaviours
- attitudes about safety and respect at work.

Section 9.1 details our findings.

It is important to acknowledge up front that the rates of sex discrimination and sexual harassment in Victoria Police reported in phase 3 are consistent with research that suggests that measurable change against indicators of violence against women can take 10 years or more.² This research highlights that in the first stages of preventing violence against women, organisations are investing in the systems, tools and resources to create change.³ The beginning of the change journey requires investment in the infrastructure to coordinate better responses to gendered workplace harm.⁴

In Victoria Police’s case, the broader range of reform work may have increased employee awareness of, and the ability of employees to recognise, sex discrimination and sexual harassment. In the immediate term, this awareness may result in increased or static levels of sex discrimination and sexual harassment being reported by participants, as employees are better equipped to notice and identify the behaviours.⁵

While acknowledging that change can take time, every Victoria Police employee has the right to a safe and respectful workplace. The Commission’s research reflects that there is a critical ongoing need to address the individual, cumulative and organisational impact of workplace harm in Victoria Police. It is therefore imperative that Victoria Police prioritises and continues efforts to address the unacceptably high levels of sex discrimination and sexual harassment in the organisation.

9.1.1 SEX AND RELATED FORMS OF DISCRIMINATION

Discrimination is unlawful in Victoria and refers to unfavourable treatment based on a protected attribute (or a characteristic that a person with that attribute generally has).⁶ As explained in Chapter 3, the protected attributes directly within the scope of the review are sex, pregnancy, breastfeeding and parental or carer status. These latter forms of discrimination are sometimes referred to here as ‘related forms of discrimination’.

Extent of discrimination

In phase 3, the Commission asked survey respondents to report any experience of discrimination between December 2015 and October 2018. Of those participants who responded to the question, 1572 said they had experienced discrimination.

Of those survey respondents who reported discrimination, 1049 (66.7 per cent) said they experienced sex or a related form of discrimination. The most common types of discrimination reported via the survey were:

- sex/gender (82.1 per cent)
- parental or carer status (24.4 per cent)
- pregnancy (3.8 per cent).⁷

The most commonly reported forms of discrimination experienced by female survey respondents were sex/gender (71 per cent), parental or carer status (38.6 per cent) and pregnancy (9.9 per cent).⁸ For male survey respondents, it was sex/gender (89.4 per cent) and parental or carer status (15.1 per cent).⁹

These findings are consistent with the reports of discrimination across data sources where participants described unfavourable treatment based on their sex/gender, parenting or caring responsibilities or pregnancy.

Across all data sets we also heard about discrimination relating to breastfeeding, including a lack of breastfeeding and expressing facilities and access to lactation breaks during shifts.

I am not given the time to do this while in the watch house or on the van ... most of the time I cannot express breast milk for an entire shift.

Women's experiences of discrimination relating to pregnancy and breastfeeding are described further in Section 6.2.

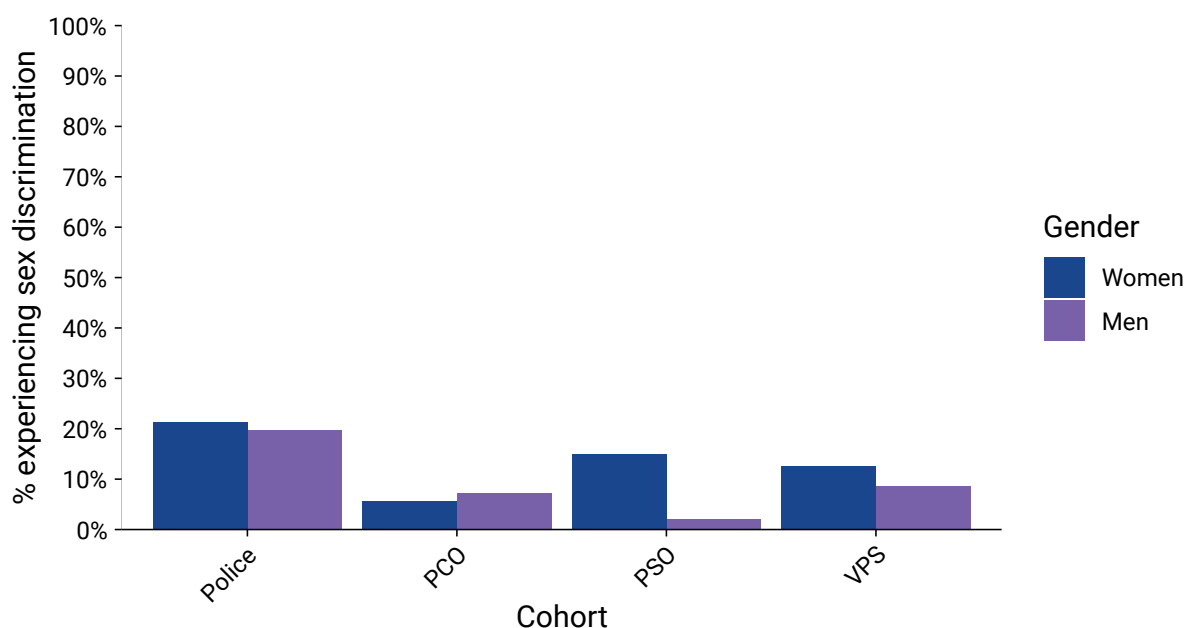
Who experienced discrimination

When looking at the survey results, we found that women and men reported sex and related forms of discrimination at similar rates:

- 17.4 per cent of female survey respondents who answered the question reported sex and related forms of discrimination
- 17.1 per cent of male survey respondents who answered the question reported sex and related forms of discrimination.

It is noteworthy that female PSOs were far more likely (15 per cent) than male PSOs (2 per cent) to report experiencing sex and related forms of discrimination, as set out in Figure 18 below.

Figure 18 – Rates of sex discrimination across Victoria Police by cohort and gender



The survey finding of similar rates of reporting of discrimination among female and male employees is surprising, given that sex discrimination is widely recognised to disproportionately affect women.¹⁰ Yet, the similar rates of sex discrimination reported by female and male employees must be viewed in the context of:

- an organisation undergoing significant cultural and structural change
- the significant rates of resistance and backlash reported across all data sources, which included widespread perceptions among some male employees and a small number of female employees of 'reverse discrimination'.

While some Victoria Police employees perceive that sex or gender discrimination is affecting men, a comprehensive review of workforce data provided by Victoria Police, did not find evidence of systematic or structural sex discrimination against men. For instance, men are more likely to have higher duties opportunities than women, almost double the number of men (n=732) compared to women (n=406) were promoted between 2016 to 2018 and women are under-represented in senior police member leadership positions.

We do know, however, that, as described in Chapter 4, gender inequality can limit men's access to flexible work or parental leave.¹¹ This is consistent with research showing that a quarter of men in Australia experience discrimination relating to parental leave and return-to-work¹² and that men are twice as likely as women to have a request for flexible work denied.¹³

Who perpetrated sex discrimination

While our survey did not ask about alleged perpetrators of sex discrimination, across the various data sources we heard discriminatory attitudes and unfavourable treatment was usually perpetrated by men.

Male colleagues who think that females can't look after themselves or do the same work (particularly in physical arrests), [give women] work that involves victim support or dealing with the female victims and offenders.

Verbally [my Inspector] states the reasons my upgrading application was declined was for my own safety and the safety of my pregnancy – but he refuses to respond in writing.

However, consistent with the research that some women may try to 'fit in' in male-dominated organisations by adopting dominant cultural behaviours, including discrimination,¹⁴ we heard that sex discrimination is sometimes perpetrated by women.

I was offered a position however my female boss refused for no reason to release me. She said to me, 'if I had to work for years for my promotion, so should you'.

Nature of the discrimination

Sex discrimination occurs when one person treats another unfavourably because of their sex/ gender or a related attribute (see Chapter 3). For example, in police organisations, assumptions shaped by a hypermasculine culture about women's 'perceived lack of fit' for certain roles and in leadership positions is an acknowledged driver of discrimination in recruitment and promotion.¹⁵

The most common forms of unfavourable treatment reported by female survey respondents were:

- not being considered for training or educational opportunities (39.9 per cent)
- being given different tasks to other employees in the same role (35.6 per cent)
- not receiving a progression (32.2 per cent)¹⁶
- being given different tasks to others with the same job function (31.4 per cent)
- not being promoted (18.6 per cent).¹⁷

We heard about discriminatory attitudes, particularly regarding pregnancy, part-time work and women who took career breaks to have children, in the context of promotions. Across data sources, we also heard about systemic forms of discrimination that disproportionately impacted women, such as training or development opportunities that did not account for flexible or part-time work patterns. These experiences are consistent with research showing that women in Australia continue to experience high levels of discrimination during their pregnancy, parental leave and return-to-work, and in promotions.¹⁸

Men told us that when discrimination occurred, the most common forms of unfavourable treatment were:

- not being considered for training or education opportunities (44.4 per cent)
- not being promoted (43.3 per cent)
- not being progressed¹⁹ (37.1 per cent)
- being given different tasks to others in the same role (25.5 per cent)
- being given different tasks to others with the same job function (22.4 per cent).

9.1.2 SEXUAL HARASSMENT IN VICTORIA POLICE

It is unlawful for employers and employees to sexually harass one another in Victoria.²⁰ Sexual harassment refers to unwanted conduct of a sexual nature.²¹ As described in Chapter 3, sexual harassment can be physical, verbal or written, and the perpetrator's intent is irrelevant.²²

Extent of sexual harassment

In phase 3, the Commission asked survey respondents to report any experience of sexual harassment between December 2015 and October 2018. Of those participants who responded to the question, 16 per cent said they had experienced harassment.

Across data sets, the Commission heard that sexual harassment, including predatory behaviour, is a persistent issue in some Victoria Police workplaces.

This is consistent with the number of sexual harassment and predatory behaviour matters handled by Taskforce Salus in 2018 (n=153 cases). Of these, 44 per cent related to inappropriate behaviour, 31 per cent to predatory behaviour and 18 per cent to sexual harassment, assault or rape.

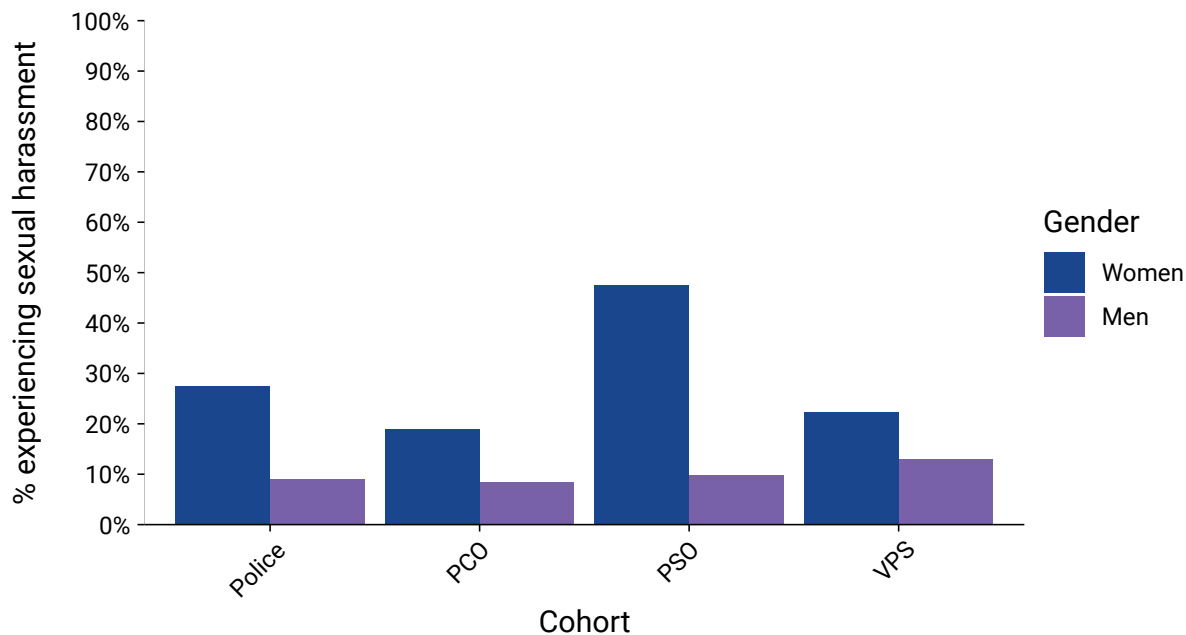
Who experienced sexual harassment

In phase 3, the Commission found that women were far more likely than men to be sexually harassed during this period:

- 25.8 per cent of female survey respondents reported being sexually harassed
- 9.8 per cent of male respondents reported being sexually harassed.

Women across all employee cohorts were more likely than their male counterparts to report experiences of harassment. However, as set out in Figure 19 below, this was particularly pronounced in the police member and PSO cohorts. More than one in four female police members reported harassment and almost half the female PSOs who responded to the survey question reported experiencing sexual harassment.

Figure 19 – Rates of sexual harassment across Victoria Police by cohort and sex/gender



This finding is consistent with the accounts of sexual harassment reported to the Commission across all data sources, with a smaller number of men compared to women reporting sexual harassment.

These findings can be contextualised by other, large-scale surveys of workplace sexual harassment in Australia, noting that these surveys asked about experiences of sexual harassment over the past five years, compared to the Commission’s phase 3 survey that looked at a three-year period. These include:

- the 2018 national survey of workplace sexual harassment, which found that 39 per cent of women and 26 per cent of men had experienced sexual harassment²³
- the 2019 survey of New South Wales Police employees, which found that 34 per cent of women and 13 per cent of men had experienced sexual harassment.²⁴

Who perpetrated the sexual harassment

Overwhelmingly, survey respondents reported that the harasser is male (72.4 per cent). This is consistent with broader research about perpetrators of workplace sexual harassment, which finds they are overwhelmingly male.²⁵ This finding is also consistent with workforce complaints data from Taskforce Salus: around 90 per cent of cases in 2018 concerned a male perpetrator.

More than half of the alleged perpetrators identified via the survey were colleagues from the victims’/survivors’ own work unit (51 per cent), while 20.4 per cent of survey respondents said the alleged perpetrator was their immediate manager.

This finding is consistent with the accounts of sexual harassment reported to the Commission through interviews, and in the descriptions of perpetrators provided by survey respondents.

In organisations, like Victoria Police, where women are significantly outnumbered by men, women are at greater risk of sexual harassment in their workplace.²⁶ Studies consistently find that sexual harassment perpetrated by male colleagues is the most common workplace issue for police women.²⁷ Situational factors including the male-dominated, hierarchical nature of policing organisations, and an organisational tolerance for sexual harassment are common factors identified in such studies.²⁸

The nature of sexual harassment

The most common types of sexual harassment reported by survey participants were:

- unwelcome questions and comments about their private life or appearance (51.2 per cent)
- offensive sexually suggestive comments or jokes (42.2 per cent)
- staring or leering (26.3 per cent)
- unwelcome touching, hugging, cornering or kissing (21.1 per cent)
- unwelcome physical contact (19.9 per cent)
- predatory behaviour (meaning a misuse of authority or influence with the intention of exploiting others for sexual or other personal gratification) (12.9 per cent)
- unwanted requests for dates (6.4 per cent).²⁹

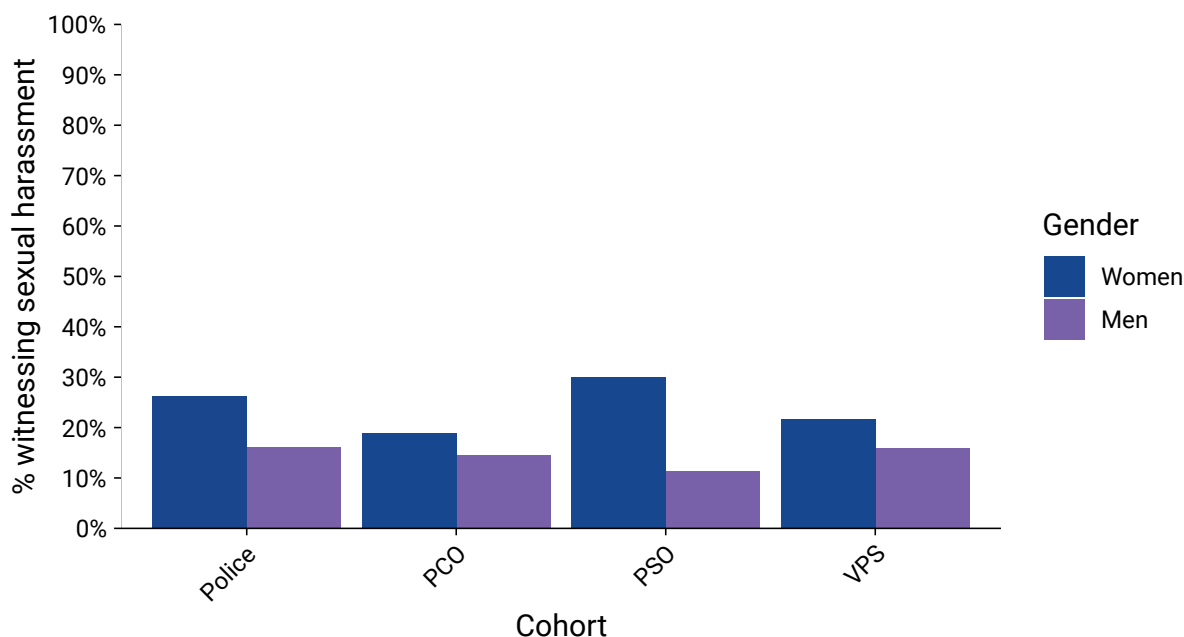
This finding broadly aligns with the 2018 national workplace sexual harassment survey, which found that the most common types of harassment in Australian workplaces in the previous five years were:

- sexually suggestive comments or jokes (19 per cent)
- intrusive questions about their private life or appearance (14 per cent)
- inappropriate staring or leering (11 per cent)
- unwelcome touching, hugging, cornering or kissing (10 per cent)
- inappropriate physical contact (9 per cent)
- repeated or inappropriate invitations to go out on dates (5 per cent)
- being followed, watched or someone loitering nearby (4 per cent).³⁰

Who witnessed sexual harassment

The Commission found that 19.2 per cent of survey respondents to the question had witnessed sexual harassment in Victoria Police. Female survey respondents were more likely than male respondents to report witnessing sexual harassment across all four employee cohorts, as set out in Figure 20 below.

Figure 20 – Witnessing sexual harassment in Victoria Police by cohort and sex/gender in 2018



Consistent with the most common forms of sexual harassment *experienced* by victims, the most common types witnesses told us about were:

- sexually suggestive comments or jokes (55.1 per cent)
- unwelcome questions and comments about private life or appearance (42.5 per cent)
- staring or leering (29.4 per cent).³¹

9.1.3 VICTIMISATION

It is unlawful in Victoria for employers and employees to engage in victimisation (see Chapter 3).³² As described in Chapter 1, victimisation occurs when a person: punishes or threatens to punish someone because they have made a complaint; helped someone else make a complaint; or refused to do something because it would constitute an act of discrimination, sexual harassment or victimisation.³³

Across data sources, the Commission heard concerning reports of victimisation and reprisals experienced by employees who made a formal complaint about experiencing sex discrimination or sexual harassment. For example, of the 108 survey respondents who made a formal complaint about sexual harassment:

- 29 per cent reported undefined negative consequences of reporting
- 22 per cent reported being excluded by their colleagues
- 16 per cent reported changes to their duties, roster or location that was detrimental to them
- 13 per cent reported being denied training or promotional opportunities.

Consistent with research about common forms of victimisation,³⁴ across our data sources participants told us they had been victimised through breaches of confidentiality, bullying, verbal abuse, exclusion and ostracisation. For example, survey participants told us:

My personal information about my private life was shared amongst other employees and discussed openly in attempts to discredit my reputation.

The reality is that there is little or no protection once an incident has been reported.

I have been victimised by a female member senior to me for reporting predatory behaviour and sexual harassment ... She has verbally abused me at work functions whilst intoxicated about being a slut and how no one wants to work with me because I might report them.

Management ostracise people who report this behaviour and make jokes about people who do.

We also heard that victimisation negatively affected employees who witnessed harmful behaviour in their workplaces. This is discussed in Section 9.1.4 below.

9.1.4 REPORTING

Reporting sex discrimination and sexual harassment, including predatory behaviour, is contingent on employees having confidence and trust in formal complaint processes that are fair, transparent and efficient.³⁵

Under-reporting of workplace harm

The survey findings clearly show that formal reporting of sex discrimination and sexual harassment remains chronically low compared to the rates of harm reported in the survey.

Our survey found that both victims/survivors and witnesses of sexual harassment were generally unlikely to make a formal report of these unlawful behaviours. Instead, they told us that they responded in the ways set out in Table 27 below.

Table 27 – How victims/survivors and witnesses responded to sexual harassment

How did victims respond?	Avoided the perpetrator (33%)	Did nothing (30.1%)	Discussed issue with a colleague (29.8%)	Confronted the perpetrator (28.9%)	Lodged a formal complaint (11.2%)
How did witnesses respond?	Confronted the perpetrator (27%)	Talked to the victim/survivor (24.3%)	Offered advice to the victim/survivor (23.4%)	Talked to colleagues (23.4%)	Did nothing (22.9%)

These findings are broadly similar to those of the 2018 national workplace sexual harassment survey, which found that only 17 per cent of victims/survivors of sexual harassment in the previous five years made a formal report, while 25 per cent took care of the problem themselves by:

- verbally confronting the harasser (54 per cent)
- avoiding the perpetrator (17 per cent)
- ignoring the sexual harassment (14 per cent).³⁶

It is positive that over one quarter of witnesses between December 2015 and 2018 directly confronted the perpetrator of sexual harassment. Participants told us that the phase 1 report had increased their awareness of the impacts of workplace harm, in turn increasing their confidence to speak out when they saw sexual harassment happening. We also heard that the findings of the phase 1 report had caused Victoria Police employees to reflect on times when they had not called out harmful behaviour.

Barriers to reporting workplace harm

Across data sources, victims/survivors and witnesses identified common barriers to reporting sex discrimination and sexual harassment.

Fears of negative consequences for one's reputation or career

Participants told us about well-founded fears that reporting may result in negative consequences for their reputation or their career, for example in relation to promotions or transfers. Fear for one's reputation was noted by 40.7 per cent of survey participants and fear for one's career by 34.2 per cent.

Women at lower levels are reluctant to report sexual harassment or discrimination due to fear of being punished by [a negative] reputation.

No way those people will speak up if they see something due to fear of retaliation.

There is a lack of confidence ... and a [fear] that it would affect the reporting person's future within the organisation.

There are people that would like to report harassment but are too afraid to do so in case they lose their spot at a workplace.

This is consistent with research on policing culture, which identifies that a culture of silence, victim-blaming and loyalty to colleagues contribute to well-founded fears that reporting may negatively impact one's career over many years.³⁷

Fears of confidentiality breaches

Participants explained that concerns about breaches of confidentiality stopped them from making a complaint.

A report does not always stay confidential and the thought of everyone talking about it or me being judged because of it would definitely stop me reporting smaller matters. I'd think hard and long about reporting serious matters.

Confidentiality is poor in places like Taskforce Salus ... information is disclosed and people find out things ... It is quite amazing what you hear when you get a coffee.

This is consistent with the Commission’s findings in 2019 about barriers to reporting harm for LGBTI employees, who reported well-founded concerns that their identity or sexual orientation (if not ‘out’ at work) may become known by people outside the complaint process.³⁸

Concern that reporting would not result in any change

Participants described a concern that reporting would not result in any tangible change for the victim/survivor or the alleged perpetrator. For example, 28.4 per cent of survey respondents identified that they would not report unlawful behaviour because it would not make a difference to their situation.

No complaint goes anywhere. That’s why members don’t complain.

People do not think it is worth reporting incidents.

Across data sources, we heard that this barrier was compounded when managers or supervisors did not support a victim/survivor when they reported workplace harm.

I genuinely believe that Victoria Police does not care about this ... my direct supervisor and work unit manager were both present and did nothing about it.

My direct manager told me he couldn’t do anything about it when I reported it to them.

Poor experiences of the complaint system

Participants told us that poor experiences with complaint processes in Victoria Police, whether or not it had happened to them directly, was a barrier to reporting. For example, 70 per cent of survey participants who made a complaint said their expectations of making the complaint were ‘not at all’ or ‘somewhat’ met. Table 28 below identifies common, poor experiences of the workplace harm model.

Table 28 – Poor experiences of the complaints process

Lack of closure	<i>I was never advised of the outcome. So, I am not sure where it went or what happened.</i>
Retaliation	<i>All reporting seems to do is bring the reported to the attention of management and they are then treated differently as if they are a problem employee.</i>
Not taken seriously	<i>He completely dismissed my concerns ... and told me that the guy was ‘a good bloke’ and that I was being oversensitive.</i>
Lack of consequences for alleged perpetrator	<i>To see him avoid punishment altogether has done irreparable damage. The offender appeared not to care and continued to harass.</i>

Hearing about the poor experience of colleagues contributed to a climate of reluctance to use formal complaint systems to report workplace harm.

There’s no confidence that you won’t be damaged by the process, so it is not reported.

No way those people will speak up if they see something due to fear of retaliation.

I would be undecided if I would report it, as I have witnessed the hell that people go through that report this stuff.

Confusion about where to report harm

Participants told us that a key barrier to reporting harm was confusion about where to report:

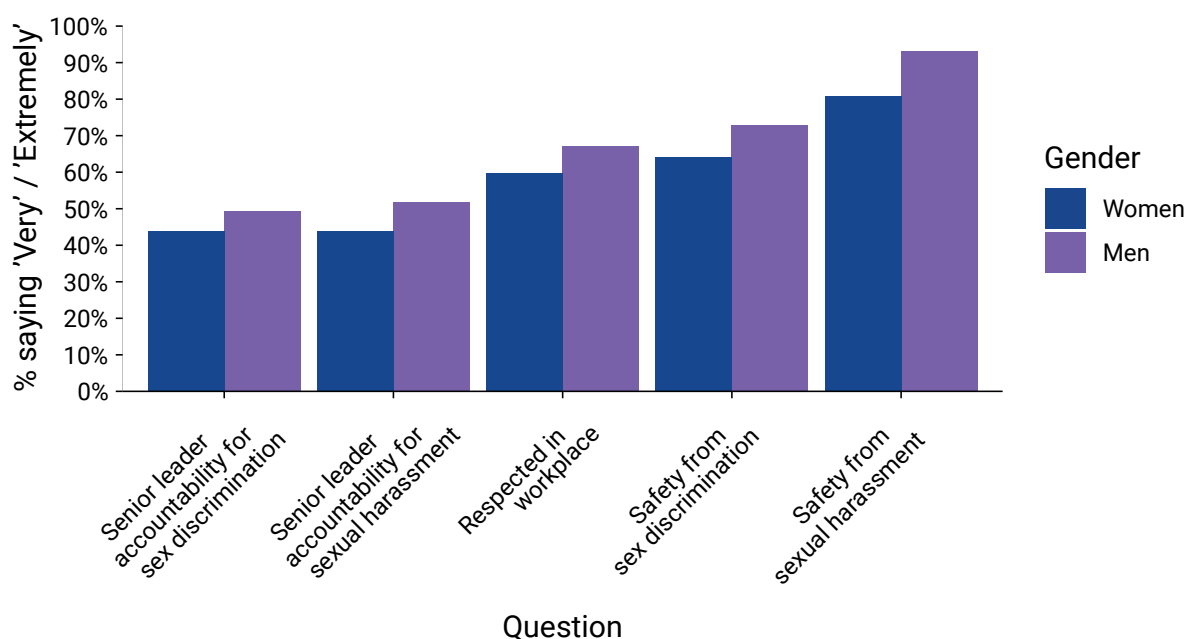
[But] as a gay man it is not clear that OneLink is the place I can go to ... A part of the problem is the definition of workplace harm ... it includes some types of discrimination, others are not included. I don't think OneLink is for me and I don't think that was the intention.

We heard that the number of reporting pathways and units (see Section 8.1) contributed to employee confusion about where to make a complaint.

9.1.5 ATTITUDES TOWARDS GENDER EQUALITY AND SAFETY AND RESPECT

The Commission's survey asked participants about their feelings of safety and respect in the workplace (see Figure 21). There were clear gender differences, with female survey respondents reporting feeling less safe and respected compared to men. Women were more likely to think there was a need for gender equality reforms in Victoria Police. These findings are consistent with data across multiple sources demonstrating the disproportionate impacts of sex discrimination and sexual harassment on women, and research finding women are more likely than men to think gender equality reforms are necessary.³⁹

Figure 21 – Attitudes to gender equality and safety in Victoria Police in 2018 by sex/gender



As set out above, women were also less likely to state that senior leaders in Victoria Police were accountable for sex discrimination and sexual harassment. However, less than half of all survey respondents (women and men) thought that senior leaders were held accountable for sex discrimination and sexual harassment. This is consistent with participant views across all data sources.

Senior management are the perpetrators of inequality and harassment and discrimination. They quote the company line that these behaviours are unacceptable, but they don't act that way. They have no accountability.

Higher management who perpetrate sexual harassment against lower ranked female members do not face the scrutiny and discipline that members of the same rank as the victim do.

I'm disgusted in the behaviours [of leaders] ... This is why our members are experiencing harm. We have lost our people driven leaders. Change our focus to that and your results will come naturally. No one wants to follow someone who makes them feel unsafe.

The Commission heard a perception about the lack of accountability of senior leaders extensively across data sources. We heard that this was impacting the power and authenticity of messaging about safe and respectful workplaces, and undermining confidence in change.

9.2 Progress towards gender equality

The rates and accounts of workplace harm described above are confronting and unacceptable. These findings demonstrate that strong, unequivocal and enduring efforts by Victoria Police to respond to, and prevent, workplace harm are needed.

Increased gender equality addresses the systemic drivers of sex discrimination and sexual harassment, including predatory behaviour. In more gender equal workplaces Victoria Police employees are safer from workplace harm. Such workplaces have a more equal representation of women and men, have leaders (such as senior sergeants) who support parents and carers to balance work and family, champion the benefits of flexible and part-time work for all and have zero tolerance for sex discrimination and sexual harassment, including everyday sexism. If Victoria Police sustains its focus on gender equality, research tells us that these unlawful and harmful behaviours are likely to reduce.⁴⁰

Stepping back from the findings about workplace harm, a wide range of data clearly shows that Victoria Police is a changed organisation in 2018. We see many positive examples of change and have heard from many participants who see their organisation's transformation.

In such a complex change journey there are always successes and there are necessarily obstacles and challenges. A clear and evidence-based understanding of both is critical to drive change forward.

Section 9.2 sets out the results of the Commission's analysis of the state of gender equality in Victoria Police in 2018 using the outcome monitoring framework. As explained in Chapter 1 and again in the introductory pages of Part III, the Commission's outcome monitoring framework, an abridged version of which is set out at Appendix C, is a robust monitoring and evaluation tool that has enabled us to:

- assess the current state of gender equality in Victoria Police
- set a baseline for the organisation's ongoing work to achieve gender equality by 2030.

The framework sets out a clear map for Victoria Police to measure its progress towards gender equality. It aims to ensure that the organisation has the data it needs to measure the organisation's progress towards its goals and can respond to emerging challenges along the way.

In each of the 10 domain statements that follow:

- the 'domain' describes our focus (for example, 'leadership')
- the 'domain vision statement' describes what achieving gender equality will look like (for example, 'leadership drives a culture of inclusion and respect')
- the 'goals'⁴¹ identify what achieving success looks like (for example, 'senior leaders continuously champion and are accountable for achieving organisational gender equality')
- 'what we are looking for' describes the indicators that tell us a goal is being achieved (for example, 'senior leaders consistently champion the organisational case for gender equality')
- 'current successes' describe where Victoria Police is meeting the goals
- 'current challenges' describe where Victoria Police is experiencing obstacles that are impeding its ability to meet the goals.

Goals

- Senior leaders continuously champion and are accountable for achieving organisational gender equality
- Senior leaders are held to account for their behaviour and the culture of their workplaces

What are we looking for?

- Senior leaders consistently champion the organisational case for gender equality
- Senior leaders show their commitment to helping the organisation heal from historical harm by participating in reflective listening and restorative engagement processes
- Senior leaders are held accountable in professional development plans for their ability to create and maintain safe and respectful workplaces
- Victoria Police holds senior leaders to account for their inappropriate behaviour
- Recruitment and promotion of senior leaders are connected to their performance in creating and maintaining safe and respectful workplaces
- Senior leaders are held to account on relevant measures in the outcome monitoring framework



Current successes

- Assistant Commissioner Luke Cornelius publicly communicated the impact of gender inequality, including its link to gender-based violence
- Executive officer performance plan tracks whether leaders demonstrate integrity and values and promote a culture of safety and wellbeing

Current challenges

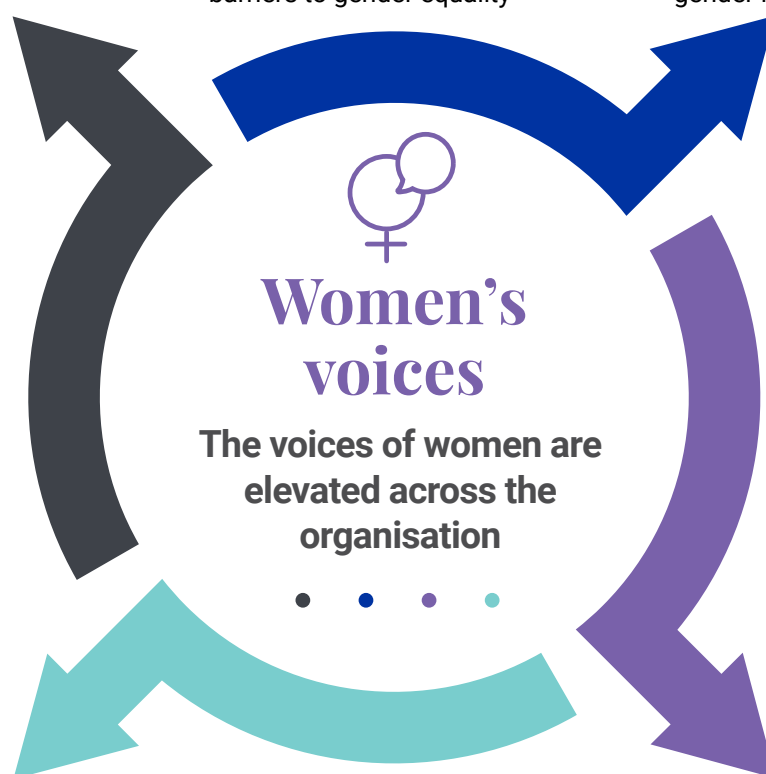
- Holding senior leaders to account for providing measurable and objective evidence of their commitment to gender equality reform
- Ensuring all senior leaders publicly communicate the impact of gender inequality
- Transparently holding senior leaders to account for inappropriate behaviour
- Proactively managing leaders for inappropriate behaviour or expressing attitudes that point to a risk of engaging in those behaviours
- Of the 4654 survey respondents,⁴² just over half (2462) said they thought senior leaders were not at all, or only somewhat or moderately accountable for sex discrimination
- Of the 4625 survey respondents,⁴³ just over half (2380) said they thought that senior leaders were not at all, or only somewhat or moderately accountable for sexual harassment

Goals

- Women are represented in the strategic leadership of gender equality reforms
- Women's perspectives and experiences are elevated across the organisation

What are we looking for?

- Increased reliance on internal and external gender equality expertise to inform gender equality reform
- Establishment of Women in Policing Local Committees across every division, Command and department
- Reliance by a stand-alone unit to deliver gender equality reforms on the Women in Policing Local Committees for strategic information
- Increased education and training to build further awareness of the barriers to gender equality
- Increased communications promoting the achievements of female employees
- Increased local management support to participate in Women in Policing Local Committees
- Adequate resources to enable the committees to carry out local initiatives and provide strategic advice
- Increased organisational understanding of the impacts of gender inequality



Current successes

- As at June 2018, Victoria Police had 300 members across 37 Women in Policing Local Committees
- The committees report quarterly to the Workforce Diversity and Inclusion Unit, who then report to the Women in Policing Advisory Group
- Gender equality experts are represented on some organisational governance committees
- Positive reports of receiving support, guidance and mentorship from fellow committee members
- Women in Policing Local Committees have led to the implementation of grassroots initiatives to embed gender equality

Current challenges

- Underuse of the Women in Policing Advisory Group to provide advice regarding gender equality reforms
- The Women in Policing Committee and Advisory Group structures are not used to advise on gender equality reforms or to inform local action plans
- Underuse of gender equality experts in driving gender equality reforms
- Ongoing backlash and derogatory comments for participating in committees
- Inadequate management support, including through rostering, and hostile management attitudes towards participation in committees
- The committees do not have dedicated local resourcing; it is up to individual committees to seek the support of their work area to carry out their strategic function

Goals

- Increased employee recognition of the problem of gender inequality and the need for reform
- Employees behave respectfully towards each other

What are we looking for?

- Employees understand why gender equality is important
- Employees support work to embed gender equality
- Employees behave in line with organisational values
- Clear and consistent training and messaging about behavioural expectations
- Employees feel confident they can identify inappropriate workplace behaviour and act accordingly



Current successes

- Many employees report experiencing the benefits of gender equality reforms in the workplace
- Some employees report a positive shift in respectful behaviour in the workplace and decreased tolerance of inappropriate behaviour
- Some employees told us they feel confident they can identify inappropriate workplace behaviour and raise concerns
- Reports of increased awareness of behaviours that constitute discrimination or harassment
- Reports of increased confidence in, and awareness of, behavioural expectations

Current challenges

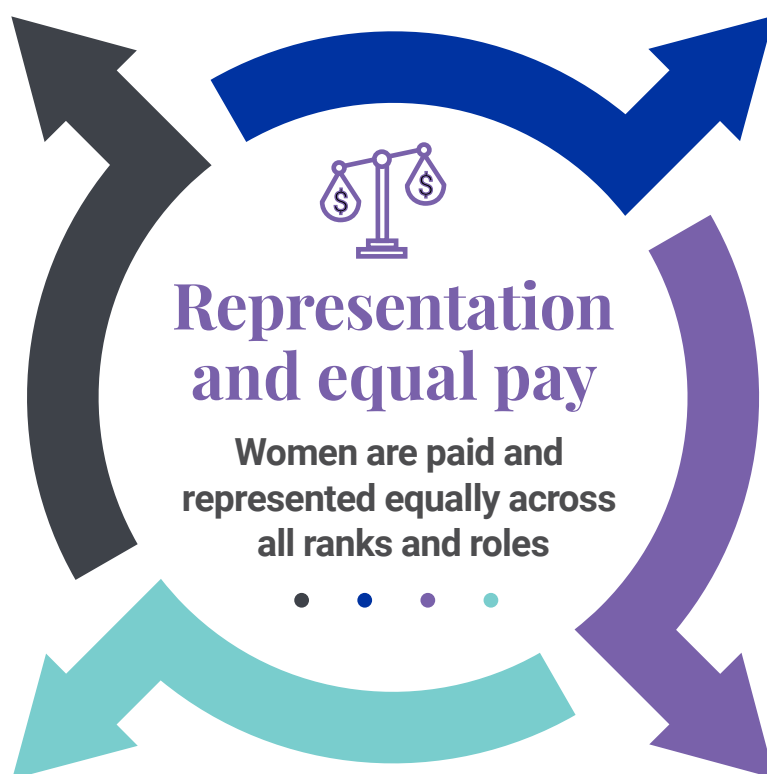
- Continued belief among some employees that the gender equality reforms are not necessary
- Male survey respondents who answered the question were less likely (46.8%) than female respondents (72%) to believe that there is a high need for gender equality reform
- Continued backlash against gender equality initiatives, particularly from male employees
- Confusion about 'everyday sexism', with persistent beliefs that it is harmless banter or 'letting off steam'
- More than 30% of survey respondents were unsure of whether they would be protected from negative consequences if they reported sex discrimination or sexual harassment

Goals

- Increased representation of women across the workforce
- Equal pay and superannuation for all employees

What are we looking for?

- An increase in the representation of female police members and PSO recruits
- An increase in the representation of women in senior leadership positions
- An increase in the number of women in Command positions
- A reduction in the gender pay gap
- Annual reporting of gender pay gap for all ranks and levels
- A reduction in the drivers of the gender pay gap, sex discrimination and barriers to promotion for women
- An increase in access to flexible work arrangements



Current successes

- Women's representation at the ranks of constable, sergeant, senior sergeant, inspector and superintendent has increased from 2015 to 2018
- A small increase in the proportion of female PSO recruits from 2015 (14%) to 2018 (18.8%)
- Between December 2015 and August 2018, women comprised 40% and men comprised 60% of all new Command appointments
- A reduction in the gender pay gap from 9.5% in 2016 to 7.6% in 2018
- Commitment to publicly report the gender pay gap every two years

Current challenges

- Failure to meet 50/50 recruitment target between 2016 and 2018 (for example, in 2018, 30% of police recruits and 18.8% of PSO recruits were women)
- Under-representation of women in most of the senior, police member leadership positions (for example, women comprised 28.3% of the overall workforce, but only 19.3% of inspectors, 14.3% of superintendents and 18.8% of Assistant Commissioners)
- There is an over representation of women in the lower VPS grades relative to men, which is a continuing driver of gendered income inequality in Victoria Police (in 2018, 66.9% of all female VPS employees were at grades 1 to 3, with 33.1% at grade 4 or higher, while the equivalent figures for male VPS employees were 50.8% and 49.2%)
- Key drivers of the gender pay gap include limited access to flexible work, gendered barriers to promotion and progression and workplace harm
- Income inequality for female police members and PSOs in superannuation is due to the lack of structural changes to Emergency Services and State Super, meaning women continue to retire with smaller benefits than their male colleagues

Goals

- Increased uptake of flexible work for women and men
- Increased uptake of part-time work by men
- Increased positive organisational attitudes to flexible work
- Managers are supported to enable flexible work in their workplaces

What are we looking for?

- More women and men work flexibly
- More senior leaders and managers work flexibly
- Managers and supervisors have the infrastructure to enable flexibility and maintain service delivery
- More employees are confident to access flexible work
- Employees working flexibly are confident to apply for promotions and that they will not face barriers to progression
- Flexibility is not a barrier to career success
- No stigma around working part-time
- Employees see flexible work as a means to support healthier and happier careers



Current successes

- Victoria Police is centrally capturing some flexible work data
- Increased uptake of flexible work from 2017 to 2018 (for example, in 2018, 37.9% of female police members and 16.6% of male police members accessed flexible work arrangements, while the equivalent figures in 2017 were 27.2% and 7.9%)
- Employees report increased support from managers to access flexible work
- 61% of female police survey respondents and 69% of female PSO respondents to whom the question was applicable, said their manager had supported their access to flexible work 'a lot' or 'a great deal'
- Equivalent figures were 56% for male police members and 67% for male PSOs

Current challenges

- Gendered nature of flexible work (for example, in 2018, 50% of women working flexibly worked part-time, compared to 15% of men who worked flexibly)
- No central recording of flexible work requests and denials
- Inconsistent responses of individual managers to flexible work requests
- Reports of ongoing stigma, especially for police members and PSOs
- Inadequate communication of the benefits of a flexible workplace culture for all
- Supporting male employees through flexible work (in 2018, a higher proportion of female police members (37.9%) than male police members (16.6%) worked flexibly)
- Inadequate modelling of flexible work by senior leaders
- Lack of technology to streamline rostering for managers

Goals

- Pregnant employees are supported
- No employee experiences pregnancy discrimination
- Parenting and caring responsibilities are not barriers to promotion and progression

What are we looking for?

- Decreased reports of pregnancy discrimination
- Increased positive experiences at work throughout the pregnancy journey
- Parents and carers are not discriminated against when applying for promotions
- Increased employee confidence to balance career and family or caring responsibilities



Current successes

- Some participants told us about positive pregnancy experiences in Victoria Police
- Policies give pregnant employees greater autonomy and agency to disclose their pregnancy and determine alternate duties
- The Parental Leave Backfill Scheme is helping workplaces and individuals manage pregnancy leave vacancies
- Reports that some employees are better able and supported to balance career and family and are supported by Victoria Police
- Some participants are more confident that having caring responsibilities is less likely to impact their career progression

Current challenges

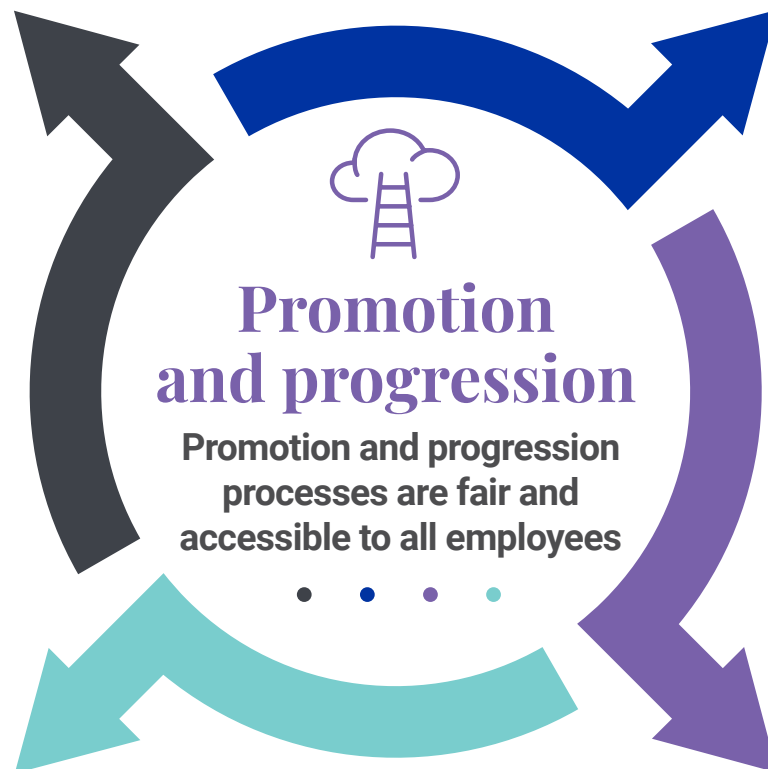
- Ongoing reports of discrimination: 271 survey participants⁴⁴ told us that they experienced pregnancy or parent or carer status discrimination
- Reports of negative or hostile behaviours relating to pregnancy by colleagues
- Lack of support for breastfeeding police members and PSOs, particularly women with patrol duties, in stations and during training, because of a lack of appropriate breastfeeding rooms
- The Parental Leave Backfill Scheme does not cover all vacancies or alternate duties
- Reports that pregnancy and caring responsibilities are still impeding careers
- Stigma experienced by men who are seeking to balance career and family responsibility in Victoria Police

Goals

- Women have increased access to professional development and training
- Selection processes are fair and impartial, and mechanisms exist to address and reduce bias
- Women have increased access to higher duties and at-level assignment opportunities

What are we looking for?

- Fewer barriers to participation in training, especially for parents and carers
- Equal access to development and training programs
- More women apply and are successful for promotions
- Employees are confident that selection processes are fair and merit-based
- Women are supported to take on higher duties and at-level assignments
- Development opportunities cater for parents and carers



Current successes

- Several training programs are more accessible for employees who work part-time and/or have parental or carer responsibilities
- Women value the opportunity to attend expanded women's leadership programs
- Male and female police members were about equally likely to apply for promotions for the calendar years 2016 to 2018
- In the calendar years 2016 to 2018, 10.6% female of police members (n=406) and 5.3% of male police members (n=732) who applied for promotions were successful
- Work is underway to increase understanding of merit and unconscious bias in recruitment
- Women and men received development opportunities at rates roughly proportional to their representation in the workforce in 2018
- Male and female police members are about equally likely to apply for transfers and women are more likely to be successful – over the years 2016–18, 18.9% of women and 15.2% of men who applied for transfer were successful

Current challenges

- Location, work pattern, and parental or carer responsibilities impair access to training due to resource constraints, the discriminatory attitudes of individual managers and modes of delivery
- Backlash against women who are promoted undermines their achievements and discourages other women from applying
- Women working part-time or while pregnant and women who have returned to work after parental leave are still experiencing discrimination
- Men receive more higher duty opportunities than women proportional to their representation in the workforce
- Upgrading opportunities often exclude employees working part-time, as they are not provided flexibly

Goals

- Creation of a best-practice redress and restorative engagement scheme for victims/survivors
- Decreased rates of harm across the organisation and greater victim-centricity in responses to harm
- Increased safety and respect for all recruits – from the Academy to Designated Training Workplaces

What are we looking for?

- A well-resourced, well-regarded and comprehensive redress and restorative engagement scheme that reflects the guiding principles in the phase 1 report
- High participation of senior leadership in restorative processes
- Increased employee confidence to report workplace harm
- Adequately funded and resourced and effective workplace harm model
- A best practice triage, case management and support system
- Increased recruit and trainee confidence in reporting harm early in their career
- Regular audits of Designated Training Workplaces
- Regular audits of field coaches



Current successes

- The Victorian Government is setting up a formal redress and restorative engagement scheme
- An interim scheme, operated by the Commission, has high reports of victim satisfaction
- The workplace harm model is operational and being used
- Rates of reported harm indicate some confidence in the workplace harm model
- Recruits are increasingly willing to speak up about problematic and inappropriate behaviour at the Academy

Current challenges

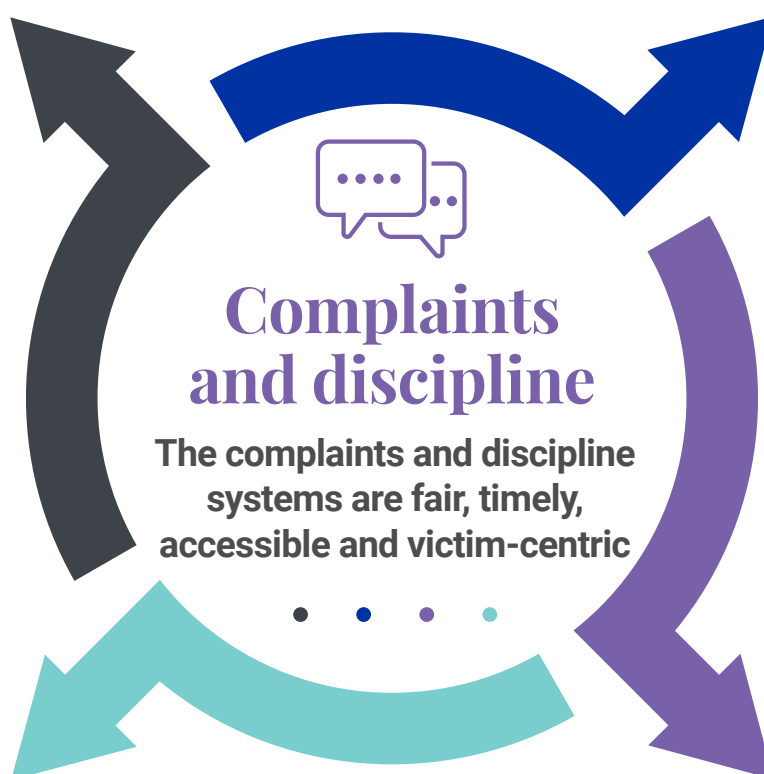
- Significant delays in the creation of the formal redress and restorative engagement scheme
- Most survey respondents who had engaged with the workplace harm model since December 2015 found it ineffective
- More than 70% reported that the model met their expectations only somewhat or not at all
- Low employee confidence in the effectiveness of the disciplinary system
- Inconsistent auditing model across learning environments

Goals

- Increased timeliness and consistency of responses to workplace harm
- Increased employee trust in the complaints and disciplinary systems and perceptions that they provide robust and fair outcomes
- Increased intolerance for everyday sexism and discriminatory attitudes

What are we looking for?

- Reduced timeframes for resolving complaints and disciplinary matters
- Formally recording all complaints at first instance
- Consistent outcomes for harmful behaviour
- More employees report feeling comfortable to make a complaint
- More employees feel confident a complaint will not lead to reprisal
- More employees are satisfied with complaint outcomes
- All employees attend workplace harm training biannually
- All managers and supervisors attend workplace harm training annually
- More employees believe that senior leaders are held accountable for inappropriate behaviour



Current successes

- Significantly reduced timeframes for resolving complaints
- Just under half of survey respondents said they would probably or definitely report sex discrimination
- More than half said they would probably or definitely report workplace sexual harassment
- Training for employees, including managers and supervisors, has begun to be rolled out across the organisation

Current challenges

- Surveyed employees who had made a formal complaint since December 2015 did not feel that the process was effective (41% said not at all effective, 21% said somewhat effective)
- Nearly half of survey respondents who had made complaints since December 2015 said their expectations were not met at all
- Surveyed employees who had made complaints reported experiencing exclusion (22%), bullying and victimisation (19%), being denied training or promotion (13%) and other negative consequences (29%)
- Survey respondents reported low rates of confidence in protection from negative consequences after reporting
- Just over a third of employees perceived that senior leaders were very or extremely accountable for sex discrimination and sexual harassment
- Around 22% were unsure of the levels of accountability

Goals

- Increase in regular data collection, analysis and reporting with clear lines of accountability
- Increase in data analysis supported by processes to address risks and issues
- Increase in the measurement of internal and external accountability against key metrics

What are we looking for?

- More local action plans developed, maintained and reported on
- More single-point accountability for gender equality activity
- Development and uptake of standardised mechanisms to consistently review strategies, policies, processes, initiatives and mechanisms
- Uplift in data analysis to inform decision-making capability
- Increased evaluation of communications to determine effectiveness in promoting the case for change
- Annual reviews and updates to the Gender Equality Strategy and Action Plan and outcome monitoring framework



Current successes

- Distribution of a template and guidance to help develop local action plans
- Emphasis on single-point of accountability
- Some divisions are taking initiative to use localised data to understand gender inequality
- A Policy Review Project Methodology has been created to help in reviewing policies
- Creation of a Gender Impact Assessment Tool with Gender Equity Principles
- Ad hoc reviews of some communications pieces
- Update of Gender Equality Strategy and Action Plan to include gender equality baseline data

Current challenges

- Templates are not completed, and local action plans are not developed (including lack of single-point of accountability)
- Lack of follow-up on the development of local action plans
- Divisional progress is not being reported through CompStat
- No means to acquire and share good-practice across the organisation
- Uptake and effectiveness of the Policy Review Project Review and Gender Impact Assessment tool is unreported
- Effectiveness of Gender Equity Principles is unmeasured
- No consistent approach to reviews
- Reluctance to consult experts where there is an analysis-related capability gap
- Lack of a consistent process for reviewing communications

Notes

- 1 As explained in Chapter 1, the term 'victimisation' is used in this report to mean when a person: punishes or threatens someone because they have made a complaint; helped someone else make a complaint; or refused to do something because it would be discrimination, sexual harassment or victimisation. See *Equal Opportunity Act 2010* (Vic) s 104.
- 2 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 57–59.
- 3 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015) 57.
- 4 See for example, Royal Commission into Family Violence, *Report and recommendations* (State of Victoria, March 2016) 7; Family Safety Victoria, *Building From Strength: 10-Year Industry Plan for Family Violence Prevention and Response* (State of Victoria, 2017) 87; Paula McDonald, 'Workplace Sexual Harassment 30 Years On: A Review of the Literature' (2012) 14 *International Journal of Management Reviews* 1, 11.
- 5 Nicole T. Buchanan et al, 'A Review of Organisational Strategies for Reducing Sexual Harassment: Insights from the U.S. Military' (2014) 70 *Journal of Social Issues* 687, 691; Kimberley A. Lonsway, Lilia M. Cortina and Vicki J. Magley, 'Sexual Harassment Mythology: Definition, Conceptualisation and Measurement' (2008) 58 *Sex Roles* 599, 611; European Institute for Gender Equality, *Institutional Transformation: Gender Mainstreaming Toolkit* (Office of the European Union, 2016) 33.
- 6 *Equal Opportunity Act 2010* (Vic) s 7.
- 7 This excludes responses for survey respondents who said they had been discriminated against and selected 'other' as the type of discrimination. Of the 1049 respondents who said they had experienced discrimination, 148 selected 'other'.
- 8 Note that because survey participants could choose more than one response, the totals for these percentages are greater than 100.
- 9 This excludes responses for survey respondents who said they had been discriminated against and selected 'other' as the type of discrimination, which could, for instance, include age. For male survey respondents who answered the question, this was 11.4 per cent.
- 10 See for example Australian Human Rights Commission, *Accumulating poverty? Women's experiences of inequality over the lifecycle* (2009) 11; Committee on the Elimination of Discrimination against Women, *General Recommendation No 28 on the core obligations of states parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 47th sess, UN Doc CEDAW/C/GC/28 (16 December 2010) [5].
- 11 Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review* (2014) 11.
- 12 Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review* (2014) 23.
- 13 Melanie Sanders et al, *The power of flexibility: A key enabler to boost gender parity and engagement* (Bain & Company and Chief Executive Women, 2015) 13.
- 14 Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 63; Marisa Silvestri et al, 'Gender and police leadership: time for a paradigm shift?' (2013) 15 *International Journal of Police Science Management* 61; Marisa Silvestri et al, 'Disrupting the 'Heroic' Male Within Policing: A Case of Direct Entry' (2018) 13 *Feminist Criminology* 309; Ulrika Haake, 'Conditions for gender equality in police leadership – making way for senior police women' (2018) 19 *Police Practice and Research* 241.
- 15 Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 63; Marisa Silvestri et al, 'Gender and police leadership: time for a paradigm shift?' (2013) 15 *International Journal of Police Science Management* 61; Marisa Silvestri et al, 'Disrupting the 'Heroic' Male Within Policing: A Case of Direct Entry' (2018) 13 *Feminist Criminology* 309; Ulrika Haake, 'Conditions for gender equality in police leadership – making way for senior police women' (2018) 19 *Police Practice and Research* 241.
- 16 Progression in this context means a salary progression based on yearly performance assessments as per the Victoria Police Force Enterprise Agreement 2015 or a yearly performance development Assessment as per the Victorian Public Service Enterprise Agreement 2016.
- 17 Note that because survey participants could choose more than one response, the totals for these percentages are greater than 100.

- 18 See for example Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review* (2014) 23, 27; Melanie Sanders et al, *The power of flexibility: A key enabler to boost gender parity and engagement* (Bain & Company and Chief Executive Women, 2015) 13; Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 63; Marisa Silvestri et al, 'Gender and police leadership: time for a paradigm shift?' (2013) 15 *International Journal of Police Science Management* 61.
- 19 Progression in this context means a salary progression based on yearly performance assessments as per the Victoria Police Force Enterprise Agreement 2015 or a yearly performance development Assessment as per the Victorian Public Service Enterprise Agreement 2016.
- 20 *Equal Opportunity Act 2010* (Vic) s 93.
- 21 *Equal Opportunity Act 2010* (Vic) s 92(1).
- 22 *Frith v The Exchange Hotel* [2005] FMCA 402.
- 23 Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (Australian Human Rights Commission, 2018) 8. We note that the time period for reporting experiences in this survey is 2013 to 2018.
- 24 Elizabeth Broderick, *Review into the NSW Police Force Promotions System* (Elizabeth Broderick & Co, 2019) 11. We note that the time period for reporting harassment in this survey is 2013 to 2018.
- 25 Paula McDonald, 'Workplace Sexual Harassment 30 Years on: A Review of the Literature' (2012) 14 *International Journal of Management Reviews* 1, 7; Kimberley A. Lonsway, Lilia M. Cortina and Vicki J. Magley, 'Sexual Harassment Mythology: Definition, Conceptualisation and Measurement' (2008) 58 *Sex Roles* 599, 599; Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018) 33.
- 26 Kathi Miner-Rubino, Isis H. Settles and Abigail J. Stewart, 'More than numbers: individual and contextual factors in how gender diversity affects women's well-being' (2009) 33 *Psychology of Women Quarterly* 463, 465; Lindsey Joyce Chamberlain et al, 'Sexual harassment in organisational context' (2008) 35 *Work and Occupations* 262, 284.
- 27 National Centre for Women and Policing, *Equality denied: the status of women in policing* (Columbia University, New York, 2002); S.K. Wells and B.L. Alt, *Police Women: life with the badge* (Praeger Publishing, 2005); Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 71.
- 28 Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 71.
- 29 Note that because survey participants could choose more than one response, the totals for these percentages are greater than 100.
- 30 Note that this survey phrased certain kinds of sexual harassment in a slightly different way to the Commission's survey, see Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018) 40.
- 31 Note that because survey participants could choose more than one response, the totals for these percentages are greater than 100.
- 32 *Equal Opportunity Act 2010* (Vic) s 103.
- 33 *Equal Opportunity Act 2010* (Vic) s 104.
- 34 Victorian Equal Opportunity and Human Rights Commission, *Submission to the national inquiry into sexual harassment in Australian workplaces* (February 2019) 23; Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces* (2018) 73–4.
- 35 Australian Human Rights Commission, *Good practice guidelines for internal complaint processes* (November 2014) 1–2; US Equal Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace* (2016) 40
- 36 Australian Human Rights Commission, *Good practice guidelines for internal complaint processes* (November 2014) 1–2; US Equal Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace* (2016) 40.
- 37 Angela L. Workman Stark, *Inclusive Policing from the Inside Out* (Springer, 2017) 71; Connie Ireland and Bruce Berg, 'Women in parole: gendered adaptations of female parole agents in California' (2006) 18 *Women in Criminal Justice* 131, 138.
- 38 Victorian Equal Opportunity and Human Rights Commission, *Proud, Visible, Safe: Responding to Workplace Harm Experienced by LGBTI Employees in Victoria Police* (2019) 37–38.
- 39 Australia's National Research Organisation for Women's Safety (ANROWS), *Are we there yet? Australians' attitudes towards violence against women & gender equality; Summary findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)* (2019) 10; Chief Executive Women and Bain & Company, *Better Together: Increasing Male Engagement in Gender Equality Efforts in Australia* (2019) 1–7.
- 40 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia* (Our Watch, 2015).

- 41 The Commission notes that the Victorian Government's frameworks for monitoring and evaluation use the language of 'outcome' rather than 'goal', however, we have used the language of 'goal' to improve the accessibility of our outcome monitoring framework, see Department of Premier and Cabinet, *Outcomes reform in Victoria* (State of Victoria, undated).
- 42 This excludes participants who either didn't respond, or responded, 'Don't know' or 'Unsure'.
- 43 This excludes participants who either didn't respond, or responded, 'Don't know' or 'Unsure'.
- 44 171 women, 91 men and nine who self-described or did not disclose their gender.

Chapter 10.

Embedding gender equality in Victoria Police by 2030

Key points

Gender equality requires dedicated leadership, resourcing and strategic commitment

- Victoria Police must continue to build visible leadership supporting gender equality. Leaders should recognise their part in the creation of a harmful culture, commit to driving reform, be accountable for the safety of their workplaces and face consequences if they engage in workplace harm.
- Continued investment, strong governance and dedicated resourcing are key to ensuring Victoria Police achieves gender equality by 2030. The Commission's outcome monitoring framework provides clear goals and data points for Victoria Police to measure its progress.

Gender equality requires a clear and evidence-based case for change

- Victoria Police must develop a clear, accessible and evidence-based case for change to drive its reform journey. The case for change must clearly set out that everyday sexism and disrespectful behaviour form part of a continuum resulting in gendered harm, and that achieving equality requires everyone to understand the drivers and impact of gendered harm.
- Through education, Victoria Police must ensure that its employees understand what sex discrimination, sexual harassment and victimisation looks like and empower them to have safe conversations about these behaviours and their individual and organisational impact.

Gender equality results in better outcomes for all employees

- Victoria Police must ensure that all employees can enjoy the benefits of flexibility by ensuring that managers make consistent, policy-driven decisions regarding flexible work, investing in technology to make it easier to balance service delivery and flexibility, increasing men's uptake of parental leave and part-time work and celebrating the benefits of flexible work for all employees.

Gender equality requires equal opportunity, pay and representation

- Victoria Police must continue to increase the number of women in the organisation across all ranks and roles, respond to backlash and align role capabilities with its vision of gender equality.

Values-driven behaviour embeds gender equality and creates safe and respectful workplaces

- Victoria Police should ensure that employees are measured against their demonstration of Victoria Police values and that managers are trained and supported in, and accountable for, building safe and respectful Victoria Police workplaces.

Effective responses to workplace harm are essential for modern policing

- Victoria Police is transforming how it responds to workplace harm, including through its new model. It must continue its work to ensure that the organisation responds to workplace harm in a way that acknowledges its significant impact. It should ensure victim-centricity is embedded across all its process and systems that respond to workplace harm and adequately resource all components of the complaint and disciplinary systems.

Gender equality requires strengthening the *Equal Opportunity Act 2010 (Vic)* and reducing the burden on victims/survivors to enforce the law

- The lack of enforceability mechanisms in the *Equal Opportunity Act 2010 (Vic)* undermines the ability of the Commission to address the systemic drivers of gendered harm at work and in the community. The positive duty could, if accompanied by appropriate enforcement and compulsion powers, deliver systemic change and help alleviate the burden on individuals to enforce the law. Effective consequences for non-compliance with the positive duty are key when education and encouragement fail to bring about change.

The change that Victoria Police is undertaking is transformational and goes to the culture of policing in Victoria. Transformational change is accepted as the hardest type of change to implement because it goes to the fundamental strategic frameworks, identity, attitudes and culture of an organisation.¹

Chapter 10 sets out clear priorities and makes 16 final recommendations to guide the ongoing work of Victoria Police towards achieving gender equality across the organisation's workplaces.

- Section 10.1 details the next steps for Victoria Police as the organisation continues its work to embed gender equality across the organisation and outlines the timeframes for change.
- Section 10.2 sets out the Commission's further recommendations to guide Victoria Police as it takes these next steps, drawing on the key findings from phase 3 of the review (that is, the outcomes of the final audit of the phase 1 recommendations and the findings regarding the state of gender equality in 2018).

10.1 Where to next for Victoria Police?

10.1.1 NEXT STEPS

Victoria Police is at a critical point in its organisational change journey. Across this report, the Commission has identified measurable examples of systemic and cultural change since the release of our phase 1 report. Chapters 5 to 8 detail the considerable foundational work that the organisation has completed, and Chapter 9 sets out the impact of the change to date.

These chapters show how far Victoria Police has come in bringing about change. It has begun to transform from an organisation with deeply entrenched systemic discrimination and a high tolerance for harmful gendered behaviours to a modern policing organisation that has developed the systems, structures and leadership to drive measurable cultural change.

This report identifies the measures that Victoria Police still needs to adopt to fully implement the 20 recommendations from the phase 1 report. It also describes the embedded and emerging challenges that the organisation continues to face in this context.

After the release of this final report, the Commission will conclude its independent oversight of Victoria Police's work to embed gender equality and ensure appropriate organisational responses to gendered harm in its ranks. Victoria Police must progress both the implementation of reform projects and the oversight of its transformation without the external scrutiny and oversight of the Commission. There is a long journey ahead, and more successes and challenges will be encountered across the continuing reform process.

In this Chapter 10, the Commission makes 16 further recommendations. The impact of our final recommendations can be measured against the outcome monitoring framework developed by the Commission (see Appendix C). The recommendations, when implemented, will help Victoria Police to achieve gender equality and, in the process, position the organisation as a model employer and community leader in Victoria's commitment to ending gender-based violence against women.

10.1.2 TIMEFRAMES FOR ACHIEVING CHANGE

There are few other organisations, nationally or internationally, that have made the same investment as Victoria Police in addressing gender inequality in the workplace. Because much of this work is new, there is limited longitudinal data to show how long change will take in an organisation with such a complex and embedded identity and culture. What research does describe is that transformative change that goes to the culture, attitudes and strategies of an organisation is the most challenging change to achieve.²

The Commission has set a ten-year timeframe for Victoria Police to achieve the organisational vision set out in the outcome monitoring framework – that is to say, we have asked the organisation to embed gender equality by 2030, roughly 10 years after this report is released publicly. This ten-year timeframe aligns with leading research that suggests that it takes a minimum of 10 years before measurable improvements can be seen when implementing transformative change related to gender inequality and gendered harm.³

10.2 Key findings and recommendations

The outcome monitoring framework enabled the Commission to assess the current state of gender equality in Victoria Police across the 10 key domains (see Chapter 9). Continued progress can be measured under each of the domains.

The 16 new recommendations are set out under broad principles that capture the overarching vision of Victoria Police to achieve a safe, equal and respectful workplace by 2030.

Victoria Police in 2030: Achieving a safe, respectful and gender equal workplace				
<p>Overarching principles</p> <ul style="list-style-type: none"> • Gender equality requires dedicated leadership, resourcing and strategic commitment • Gender equality requires a clear and specific case for change, supported by compelling and evidence-based messaging • Gender equality results in better outcomes for all employees • Gender equality requires equal opportunity, pay and representation • Values-driven behaviour embeds gender equality and creates safe and respectful workplaces • Effective responses to workplace harm are essential for modern policing 				
Leadership	Women’s voices	Values	Representation and equal pay	Flexibility
Leadership drives a culture of inclusion and respect	The voices of women are elevated across the organisation	The values of safety, respect and inclusion drive employee behaviour	Women are paid and represented equally across all ranks and roles	All employees are supported to work flexibly
Pregnant employees, and parents and carers	Promotion and progression	Safety and victim-centricity	Complaints and discipline	Data collection and reporting
Pregnant employees, and parents and carers are supported	Promotion and progression processes are fair and accessible to all employees	Workplace harm is addressed consistently and confidentially, and responses put the victim/survivor at the centre	The complaints and discipline systems are fair, timely, accessible and victim-centric	Data collection and reporting drive accountability and continuous improvement

10.2.1 GENDER EQUALITY REQUIRES DEDICATED LEADERSHIP, RESOURCING AND STRATEGIC COMMITMENT

Committed, visible leadership

To achieve gender equality across a large organisation, leaders need to be publicly and unequivocally committed to cultural reform.⁴ Leaders need to drive change by championing the benefits that gender equality will bring to the organisation's capability and work environment. Leaders are also critical organisational role models for the highest standards of behaviour. For senior leadership, clear ownership and accountability for driving reform needs to be part of their key capability and performance expectations.

A courageous, respectful leader has a commitment to address and work through conflict and challenges, and is driven to create a safe and supportive work environment.⁵ Courageous, respectful leadership drives organisational healing⁶ and creates an environment embedding mutual respect and psychological safety.⁷ A safe, respectful and gender equal workforce requires leadership that models the expectations and standards required to drive change and build trust across the organisation.⁸

Table 29 below describes in more detail how effective leadership drives culture.

Table 29 – How effective leadership drives culture

Effective leadership	What does it look like?	How does it drive culture?
Authentic	Shows commitment to organisational values by modelling behaviour and 'walking the talk'	People are more likely to listen to and respect leaders who they think are genuine and have integrity
Courageous	Humble, self-reflective, willing to acknowledge own shortcomings and willing to apologise for past mistakes	Being humble builds trust with employees and encourages openness to learning and reflection among staff
Team player	Open-minded, curious, collaborative, explains reasons for decisions and listens to staff and values their perspectives	Helps Victoria Police transition from a para-military, command and control hierarchy to a modern collaborative workplace and encourages junior employees to feel confident to speak up
Good people manager	Shows empathy, encourages discussion of emotional impact of confronting operational experiences and willing to resolve workplace disharmony	Creates psychological safety, makes employees feel valued and fosters wellbeing and self-care among staff
Diverse	More women in leadership and leaders from a range of backgrounds who bring different perspectives and attributes	Women in leadership reflects the diversity of the community and shows that the organisation values diverse perspectives

The Commission acknowledges the significant work of Victoria Police's leadership to transform an organisation that has traditionally been influenced by a hypermasculine culture and stereotypes about who is best placed to keep the community safe. The commitment of Victoria Police leadership is taking place in a demanding 24-hour operating environment, where day-to-day policing requirements must be met alongside the energy and commitment needed to drive short- and long-term change towards gender equality.

Visible and sustained leadership is essential to ensure that the achievement of gender equality remains central in strategic and resourcing decisions, messaging and the development of future leaders.

There has been real advancement since 2015 as a direct result of the independent review. I hope that in the future, members will feel safe and protected at work and discrimination of all types will be remembered as a dark period in our history.

I think we are in a much better place than we were 2015. The things that needed to be addressed immediately are being addressed. The deep cultural change that is required, will take up to 10 years to achieve (this is not uncommon for deep cultural change).

The Commission has seen the significant impact created when Victoria Police's leaders have taken personal accountability for addressing entrenched harmful attitudes towards women. The participation of leaders in truth-telling initiatives and restorative engagement processes (see Chapter 5) has led organisational healing and cemented the commitment of many senior employees.

[Participants in Victoria Police restorative engagement processes have heard], 'on behalf of Victoria Police, we're really sorry for what happened to you'. We then give them a couple of weeks to process what's gone on. And nearly every one of them has said, 'I keep thinking about what they've said and I'm so glad I did that because now I can focus on where to from here.

While many senior leaders have role modelled change, we have also heard about the negative and chilling impact where some leaders have failed to demonstrate accountability for creating harmful environments in the past. The failure to reconcile the past and claim individual responsibility undermines employees' faith and trust in the authenticity of the change.

Victoria Police must continue to work towards building visible leadership supporting gender equality, with senior employees across the organisation acknowledging their part in the creation of a harmful culture and committing to driving reform. Leaders should be held accountable for the work that they are doing to improve safety and respect within their individual workplaces, and consistently face consequences if they engage in harmful behaviours. They must visibly demonstrate commitment to addressing violence against women in a way that reflects the significant impact of their daily work in the Victorian community.⁹

Most employees with about 15 years or more experience know that many of the senior people in Victoria Police engaged in all the worst behaviours and routinely threw affected employees 'under the bus'. Hearing these same people trying to lead change loses almost all its impact because the speakers have so much baggage and little or no credibility. We needed to go through a 'truth and reconciliation' type process before moving on.

The problem is that some of Command are in front of you telling you how to behave and you have witnessed their own behaviour and have heard from your colleagues that they've been behaving badly.

The evidence for ongoing change

- Backlash and resistance to gender equality in Victoria Police are being fuelled by leaders who have demonstrated harmful attitudes and behaviour. Employee trust and confidence in the change journey requires genuine and authentic leadership by leaders who model the highest standards of behaviour.
- Employee perceptions of Victoria Police leadership are mixed. In the phase 3 employee survey and focus groups, many participants reported being unsure as to whether Victoria Police holds its leaders to account.
- There is an ongoing need to ensure that leaders are promoted against their capability to create and maintain safe, respectful and gender equal workplaces.
- Mechanisms within the professional development system to measure leaders for their progress in creating safe and respectful workplaces fall short of what is needed to drive accountability.



RECOMMENDATION 1

Victoria Police should continue to take ownership of the cultural change needed to achieve gender equality within the organisation by 2030 by:

- a. ensuring that its leaders demonstrate a strong and collective commitment to achieving gender equality
- b. only selecting, promoting and retaining leaders who have a track record of a demonstrated commitment to gender equality
- c. holding leaders accountable who do not deliver on key performance indicators related to gender equality.

Robust strategic frameworks, governance and resourcing

A modern, capable workplace requires sustained structures and systems that ensure it is safe, respectful and equal.¹⁰ These structures need to integrate gender equality, safety and respect into the regular practices, processes and culture of an organisation.¹¹

Since 2015, Victoria Police has created an organisation-wide gender equality strategy and has begun to collect data to monitor the rates of gender equality and workplace harm across the organisation. They have created governance structures and a standalone unit, led by a dedicated Assistant Commissioner, to oversee the effort across the organisation. Significant investment has been committed to support new units to respond to discrimination, sexual harassment and other gendered harm. This has had the effect of creating strong structures and oversight and accountability.

In April 2019, Victoria Police Executive Command endorsed the creation of a new office to drive long-term cultural change, with an explicit focus on gender equality. The Commission understands that this work will continue to be overseen by a steering committee and guided by external expertise.

Continued investment, strong governance and dedicated resourcing are critical to ensure that Victoria Police can achieve gender equality by 2030. In this respect, Victoria Police must secure:

- continuity of robust governance, including key decision-making bodies with representation from Executive Command
- formal guidance from external experts, currently accessed via the Corporate Advisory Group, the

Independent Advisory Group and the Academic Governance Board

- a central coordinating and reporting unit focused on project management and guidance, embedding expertise in gender equality, organisational change, data analysis, operational policing (currently situated in the VEOHRC Review Response, Partnerships and Innovation unit).

Victoria Police is a constantly evolving organisation, and ongoing measures must be adaptable in the face of a dynamic and challenging environment. The outcome monitoring framework provides Victoria Police with clear goals and data points against which to measure themselves. It should be aligned, as a priority, with the GESAP and become a central monitoring and evaluation measure for all gender reform work packages. The framework provides Victoria Police with a critical lens for identifying areas where cultural reform efforts are falling behind or where systemic measures are not as effective as intended.

It was always our intention to report on our progress and on an annual basis. Those views were formed before the outcome monitoring framework came to be. I would be really keen for us to report in line with Safe and Strong and the whole of government and on sexual harassment and sex discrimination. Realistically, I want us to contribute as a major player, not just as another department that is removed from the public service. I want us to be seen as a leader on that more publicly.

The evidence for ongoing change

- The work undertaken to date by Victoria Police to implement the phase 1 recommendations could not have been achieved without a robust governance structure to implement reform measures, a strategic framework to drive change and significant resourcing.
- The coordination, project management and organisational guidance led by the VEOHRC Review Response, Partnerships and Innovation unit has been central to the organisation's work to address systemic barriers to gender equality.
- There is significant further work needed before Victoria Police achieves gender equality. Reaching it will require sustained governance and resourcing to create and maintain enduring structures and systems that drive change towards gender equality.
- Victoria Police has multiple, competing strategic demands that are constantly transforming the service delivery needs of the organisation. In this complex operating environment, an ongoing strategic focus, with accountability at the highest levels of the organisation, is critical for Victoria Police to meet its commitment to achieve gender equality.



RECOMMENDATION 2

Victoria Police should:

- a. commit to the implementation of the Commission's outcome monitoring framework, including monitoring progress towards its outcomes and publicly reporting the results
- b. maintain a strategic framework for achieving gender equality that is directly connected to the outcome monitoring framework
- c. continue to adequately resource a standalone unit with an ongoing and explicit focus on achieving gender equality, led by an Assistant Commissioner and reporting to Executive Command.

Uplifting the voices of women

Organisations seeking to address gender inequality must listen to and understand the experiences of their employees.¹² Similarly, the voices and insights of affected employees are critical and should directly inform change.

In 2015, the voices of women in Victoria Police revealed the profound impact of gender inequality.

Today, some women say that their workforces are beginning to transform. Others are identifying continuing and emerging drivers of gender inequality.

In 2018, Victoria Police has worked to create a range of formal and informal forums to elevate the voices of women in Victoria Police. For emerging leaders within the organisation, forums like the Women in Policing Local Committees are invaluable spaces to raise strategic insights and receive mentoring and support.

A strength of the [Women in Policing Local] Committee is the support for women in regional areas who want to stay and pursue their careers in the region.

The Women in Policing Advisory Group is also operational, and its membership contains strong leaders from across the organisation. However, the Commission has heard that the group lacks a strategic remit and organisational authority and is not being approached for advice regarding how Victoria Police regions and Commands can implement local improvements to support gender equality.

We don't know if our issues are unique to our division and we don't know what the other committees are doing. [Women in Policing Local Committees] have been established but there is no guidance or governance around them ... The idea was there, but how are we doing this? No one had the answer.

The experiences and insights of women in Victoria Police should continue to be amplified through organisational networks, such as the local committees. Women's voices need to inform the organisation's strategic direction and responses to emerging risks, issues and opportunities.

The evidence for ongoing change

- The Women in Policing Advisory Group is under-used and not being called upon to give advice about gender equality reform in Victoria Police. This group does not have a clear strategic or advisory function, which has affected its ability to provide expert advice to regions and leaders across Victoria Police.
- Women in Policing Local Committees provide a crucial interface for women at the divisional level to contribute to the strategic operating environment, but they are not being adequately resourced or supported by local management.



RECOMMENDATION 3

Victoria Police should increase and embed the strategic role of the Women in Policing Advisory Group by:

- a. appointing two independent gender equality experts with significant experience in organisational reform
- b. including in its core functions:
 - i) assessing each local action plan bi-annually against the gender equality indicators in the outcome monitoring framework and the *Gender Equality Strategy and Action Plan 2017–2020*, and presenting each division’s results at a dedicated CompStat forum
 - ii) publicly reporting bi-annually on Victoria Police’s progress towards gender equality against the outcome monitoring framework
 - iii) providing oversight and strategic guidance on the development and continuing evaluation of Victoria Police’s case for change (see Recommendation 5)
- c. providing additional resourcing and support to equip the group to fulfil their strategic function.

Continuous improvement drives better practice

Collecting, monitoring and reporting on key metrics is a critical way to understand an organisation’s performance on gender equality.¹³ Robust mechanisms for analysing data (see Table 30) can help organisations understand the nature and extent of gender equality in their workforce and enable the development of targeted strategies to make further progress.¹⁴ A long-term, evaluative approach to change is also a core operating requirement of the Victorian Government.¹⁵

Table 30 – Hallmarks of robust data collection and reporting

Collection	<ul style="list-style-type: none"> • Collect data regularly • Capture relevant information that tells you what you need to know 	Draw on gender equality expertise at every stage
Analysis	<ul style="list-style-type: none"> • Assess the data according to metrics and indicators • Track progress towards outcomes 	Always have a single point of accountability
Reporting	<ul style="list-style-type: none"> • Synthesise and categorise results • Communicate results accurately and transparently 	
Action	<ul style="list-style-type: none"> • Use results to make decisions about future activities • Replicate effective practices and target interventions where progress is lacking 	Proactively manage risks and issues

Victoria Police has become a leader in driving comprehensive organisational change to address gender equality. Because the organisation’s program of work is part of an emerging body of practice to address the drivers and impact of gendered harm and inequality in the workplace, it requires ongoing internal review to ensure that it continues to have an impact.

Only some data relating to the state of gender equality and rates and impacts of workplace harm in Victoria Police are being collected, analysed and reported on. Consistent mechanisms to collect and review data are critical for the organisation to ensure that emerging risks and issues are identified and addressed. Regular data analysis and reporting is also the primary accountability mechanism for Victoria Police to measure its successes and challenges and hold senior leaders accountable for driving change.

If the organisation embraces [the] recommendations fully, it will result in really great service reform ... There is a program of reform and reshaping to begin with and embedding that stuff and then continuous improvement ... And, in the future, some of those staff will be tasked with evaluation, which will give us the continuous improvement lens.

The evidence for ongoing change

- Best practice approaches to reform embed a culture of continuous improvement through a system of data collection, analysis and reporting to embed accountability, leverage from successes and identify emerging challenges and risks.
- While Victoria Police has made good progress by increasing data collection in a number of areas, a significant opportunity remains to create a robust and consistent data collection and analysis system.
- There is no standardised approach within Victoria Police to reviewing gender equality strategies, processes, initiatives and mechanisms. There is also limited ability to use data to share good practice across the organisation.



RECOMMENDATION 4

Victoria Police should develop a centralised, robust data management system maintained by employees with expertise in data analysis to collect, analyse and report on data relating to achieving gender equality and addressing rates of workplace harm that:

- a. sets out clear systems and standards for data analysis and reporting and aligns data collection with metrics in the outcome monitoring framework
- b. drives the development and maintenance of consistently used organisation-wide local diversity and inclusion action plans
- c. embeds single-point accountability and clear delegation of responsibility for the framework to Command.

10.2.2 GENDER EQUALITY REQUIRES A CLEAR AND SPECIFIC CASE FOR CHANGE SUPPORTED BY COMPELLING AND EVIDENCE-BASED MESSAGING

Engaging employees from all areas and levels of an organisation is critical when undertaking major organisational change.¹⁶ Communicating the case for gender equality can be particularly challenging for organisations. Resistance can be common when employees perceive that progress towards gender equality will have negative impacts on them.¹⁷ Countering this resistance requires clearly communicating why change is occurring, linking material changes with organisational objectives.¹⁸

Across the review period, the Commission has emphasised the importance of creating an evidence-based communications and messaging strategy that clearly articulates why gender equality is needed and that resonates with women and men across the organisation.

At present, the Victoria Police communications and engagement strategy continues to lack an overall persuasive narrative, remains vague and is failing to engage employees. The impact is low organisational understanding of how a more gender equal organisation will benefit the whole organisation, and in turn make Victoria Police a more capable service. In the absence of a compelling vision that touches all employees, resistance, backlash and myth-making proliferate.

I am called 'the feminist' at [worksites]. People stop talking when I enter rooms because they know I would call out their behaviour. I have had arguments with supervisors for using words like 'faggot' and I have other sergeants threaten to bash me on my Facebook account for supporting the gender equality strategy. I am on the Women in Policing Committee which has very little respect from [police] members, regardless of the amount of time and effort put in by the women. Bosses are great, sergeants allow the sexist culture to continue, in fact some actively protest it at [worksites].

Gender equality must remain at the centre of the ongoing organisational messaging, structures and strategies. Victoria Police must be unequivocal in identifying that the root cause of violence against women is gender inequality.¹⁹ Communications, messaging and training must be clear, accessible and evidence-based.

We haven't had the conversation around gender yet. There is this gulf in the middle and people are creating their own narrative and we haven't been able to control the message because we haven't given them the message. People think it's just about women. There is more of an understanding about what we are doing, but less about why we are doing it.

I don't think there is a good understanding of gender and power and how that contributes to the things we see happening, that Victoria Police is tasked with preventing, ultimately, and responding to. [Workplace harm] has an impact on women wanting to join the organisation. It is having an impact on people who are leaving ... we need to change the organisation.

In embedding organisational gender equality, Victoria Police must continue to identify that a supportive and equal workplace culture requires everyone to be aware of the drivers and impact of gendered harm.²⁰ This messaging must reflect that everyday sexism and disrespectful behaviour form part of a continuum that results in gendered harm and violence.²¹ It must also acknowledge the significant harm created by exposure to everyday harmful attitudes for the careers, wellbeing and mental health of employees.

While much of the gender equality work to date has focused on the experiences of women, men must also see their legitimate place in a changing organisation. In part, this requires acknowledging the harm caused to some men by a damaging workforce culture. Male employees have reflected on the impact of being part of a culture that has denigrated their female colleagues, but has also allowed other types of bullying, workplace harassment and disrespect. As a part of this process, men should be empowered and encouraged to be champions for reform.

Stories that describe the positive changes that have transpired as a result of this program of work must be told throughout the organisation so that employees feel a sense of pride and connected to the vision of their organisation. The Commission's research has revealed compelling stories of change across Victoria Police including women succeeding in roles that they had previously seen as unattainable, men accessing flexible working arrangements and enjoying the benefits of increased time with their family, and improved frontline service delivery arising from an improved understanding of the drivers and impact of violence against women.

The evidence for ongoing change

- Victoria Police has not yet developed a strong, evidence-based case for change that can drive changes in employee behaviour. The Commission has observed that the absence of a compelling case for change has contributed to organisational backlash and resistance to reform.
- The Commission's survey showed that many employees do not believe that achieving gender equality in Victoria Police was necessary. Only 46.8 per cent of male survey respondents to the question believed that there was a high need for reform to achieve gender equality.
- An organisational case for change must be supported by a robust communications and messaging strategy to ensure that all employees understand why Victoria Police is undertaking a significant reform journey.
- Monitoring and evaluation of messaging is critical to ensure that it responds to employee perceptions, feedback and changes to the Victoria Police operating environment.



RECOMMENDATION 5

To ensure that the organisational case for achieving gender equality is clearly articulated and understood across all workplaces, Victoria Police should:

- a. develop a clear, robust and evidence-based case for change to achieve gender equality
- b. drive employee engagement with the case for change by developing a communications strategy that includes a specific focus on the positive benefits of achieving gender equality for all Victoria Police employees.

10.2.3 GENDER EQUALITY RESULTS IN BETTER OUTCOMES FOR ALL EMPLOYEES

Flexible work for all

Gender equal workplaces that embed flexibility create a workforce that is more productive, happier and better at service delivery (see chapters 4 and 6).²²

Access to flexible work is essential to attracting, retaining and leveraging the skills of women.²³

Embedding flexibility also benefits men who in Australia are significantly less likely than women to access flexible working arrangements or their entitlements to parental leave.²⁴ Empowering men to access parental leave and flexible work can help to dismantle harmful gender stereotypes and address the gender wage gap.²⁵

Victoria Police employees serve for long periods of time, often starting at a young age. For most police members, a career in policing is a career for life. A modern Victoria Police needs to accommodate flexibility across all career trajectories to include experiences like having a family, caring for aging parents and transitioning to retirement at the end of service. This work must be supported by the visible advocacy of senior leaders who actively and vocally balance their career with other priorities.

In 2015, the Commission made recommendations to ensure that all employees, irrespective of their circumstances, could access flexible working arrangements and parental leave.

By 2018, Victoria Police had changed policies and procedures to further accommodate flexible work and is working towards building a culture of 'all roles flex'. While organisational policies and messaging to enable flex have improved, Victoria Police lacks the systems and infrastructure to support its goal to achieve this culture.

I have huge admiration and sympathy ... to work on rostering when you have kids. It's just incredible, the pressure it puts people under. With 6am handovers it is very difficult, there is a lot of pressure on both women and men ... [R]ecognising some of the challenges around flex working times is another piece that needs to be worked on.

We have observed an increased uptake in flexible working arrangements in Victoria Police, However, far fewer men than women are accessing those arrangements. In practice, access to flexible work is not consistently available and presents significant logistical challenges at the site level. Across Victoria Police, the granting of a request for part-time or flexible work is heavily reliant on the attitude of an employee's direct supervisor.

When I asked for part-time I got knocked back and kept appealing up. It went all the way to the Assistant Commissioner and in the end I asked to see the history of my request ... I saw my manager had just said 'I have too many part-timers. I don't want any more. I don't care about your situation. I don't want any more part-timers' – that was it. No other explanation.

We have also heard from men who have said that their request for flexible working arrangements are not being met.

I was prevented from commencing a flexible work arrangement under my previous [Superintendent] and was forced into another work location to enable this to occur. The supervisors at my current work location are very supportive of my flexible work arrangement. However, I would have preferred to remain at my previous work location if the [Superintendent] had allowed my flexible work arrangement.

[I had to make] repeated approaches regarding [my] request for a rest day during the week to care for my child. [I was] shunned as a result of the refusal and put in the spotlight for all work performance. [Survey]

We have also heard that men with parenting responsibilities do not feel supported to balance their careers and family.

As a male, my role as a single parent was not recognised to the extent a female would be. [There was a] failure to obtain set shifts or flexible rostering to allow for parenting responsibilities.

The time I took off to care for my children was the most important and fulfilling in my life. My periods of parental leave had to be fought for. [I experienced] negativity from Command ... I was thought of as just trying to get off work instead of caring for my children ... I was laughed at and joked about at work. My career prospects have diminished in the eyes of my management. I was [denied] an internal transfer 'because I took too much time off'. It has left me feeling anxious about having more children. I feel bullied by Victoria Police management. Our system discriminates against men who don't have the choice (paid choice) to be the primary caregiver (only if their wife is unable). There is no free choice within the family. Men's roles in the family unit are worth less to Victoria Police than women.

As a male ... flexibility is not there. I've seen in [Victoria Police workplaces] that a male wanted to go on flex to care for his family and it was declined ... I think it's increasing for women in the workplace, but if a guy wanted to do it it would be very hard for him to do it. If he took 12 months paternity leave it would be hanging over his head.

The evidence for ongoing change

- Access to flexible work and part-time work in Victoria Police is increasing, but men are accessing it far less than women. In 2018, 50 per cent of women working flexibly worked part-time, compared to 15 per cent of men who worked part-time. In 2018, more female police members (37.9 per cent) than male police members (16.6 per cent) had a flexible working arrangement.
- Men told the Commission that they do not feel supported to access flexible working arrangements. Further work is needed to support male employees to balance career and family through the availability of part-time and flexible work.
- Flexible and part-time work requests and denials are not centrally recorded and there is inconsistency in the responses of individual managers to flexible work requests.
- The Commission heard that stigma about flexible work remains, particularly for police members.
- More work is needed to communicate the benefits of a flexible workplace culture for all employees and more senior leaders need to visibly model flexible work.



RECOMMENDATION 6

Victoria Police should:

- a. record all flexible work requests and outcomes in a centralised database, with central mechanisms and capability created to review decisions
- b. invest in the creation of a system to support station managers to prepare rosters that accommodate flexible working arrangements
- c. communicate the benefits of flexible work to employees, encourage more men to work flexibly and celebrate the organisation's workplaces that operate flexibly.

Protecting the rights of pregnant employees, and parents and carers

Research shows that employers that accommodate and protect pregnant employees have increased productivity and employee satisfaction.²⁶ A workplace that accommodates and supports pregnant employees (see Table 31 below) is more attractive to women and their male or female partners, resulting in the recruitment and retention of a broader talent pool.²⁷

Table 31 – Considerations to ensure a pregnant employee’s experiences are safe and supportive

Pre-disclosure	People feel safe and supported to disclose a pregnancy or request parental leave	<ul style="list-style-type: none"> • Zero-tolerance for pregnancy discrimination and negative attitudes about pregnancy • Effective communication of processes related to disclosure and requesting parental leave • Training for leaders on how to appropriately disclose a person’s pregnancy to the wider team
Pregnancy and pre-leave	Measures are in place to ensure employees are supported when pregnant and planning for leave	<ul style="list-style-type: none"> • The employee and her doctor determine any alternative duties • The pregnancy and parental leave plan is in line with the employee’s wishes and centrally record • The leave and pre-return-to-work plan should consider communication, training and how to change the plan • The phased return-to-work plan should consider supervision, phase length, transition milestones, duties once transitioned and how to change the plan
During leave and before return-to-work	Employees are supported during leave and managers implement the parental leave plan	<ul style="list-style-type: none"> • Adhere to any plans for this stage • Ensure the employee on leave is aware of the steps they can take if they would like to change their plans or intentions for returning to work • Communicate with the employee while on leave, including regarding any changes to legislation or practice
Phased return	The transition from leave to return-to-work is consistent with the return-to-work plan	<ul style="list-style-type: none"> • Adhere to any plans for this stage • Ensure the employee is aware of the steps they can take to identify and seek to redress any issues they are facing • Regularly check-in with the employee to ensure they are comfortable with the transition • Support breastfeeding or lactation, including through the provision of appropriate facilities
Return to pre-pregnancy or other duties	Support employees to resume their usual duties and their ongoing development	<ul style="list-style-type: none"> • Ensure flexible work options are available and discussed • Effective communication and training on how to support employees with caring responsibilities • Regularly check-in with the employee

Evidence shows that there is widespread discrimination in Australian workplaces towards pregnant employees, employees returning to work after parental leave and employees with caring responsibilities.²⁸ Discrimination relating to pregnancy and caring responsibilities is a significant contributor to women's under-participation or withdrawal from the workforce,²⁹ and is a barrier to women's career advancement.³⁰

In 2015, the Commission reported on a workplace where pregnant employees experienced stigmatisation and unfair treatment. We recommended systemic and policy changes to address discrimination reported by pregnant employees.

Victoria Police has since undertaken work to update their pregnancy policy and created a backfill program to address the operational impact of employee leave and reduce workplace stigma towards pregnant employees. In some instances, there is now greater autonomy and agency provided to pregnant employees. However, there are continuing reports of discrimination because of pregnancy or parental and carer status and negative and hostile behaviours towards pregnancy by colleagues.

[I was pregnant with my] first child, I was given no information, no pregnancy plan done, I had to find all my information ... Being pregnant shouldn't be a way to fall back on your skills, it shouldn't be a punishment and it feels like a punishment ... you instantly get treated like you are worthless.

Within days of notifying my workplace I was pregnant I was moved to a different role within my office ... this role was not in line with my current qualifications, experience, job description and duties and provided me with no skills, knowledge progression or work satisfaction. I was not given a choice ... There was no meeting between myself and management about 'safe duties' ... I was advised by management that I was put on this new role (which is an admin project, I am a detective) because I was pregnant ... My motivation at work and indeed to come to work has dropped significantly. My productivity levels and keenness to do each task to the best of my ability has diminished and I currently have no sense of appreciation from the organisation I have worked very hard for, for the last eight years. It is very disappointing.

The Commission has heard that a lack of infrastructure to provide breastfeeding facilities has created significant challenges for lactating employees who have returned to work.

Since becoming pregnant, taking maternity leave, returning to work and requesting lactation breaks and flexible work arrangements I have been constantly 'managed' differently to other employees ... These requests are either ignored or refused with no justification or reasoning.

Victoria Police employees have told us that supportive managers, backed by robust and accessible policies, are critical for ensuring that employees are accommodated during pregnancy, during parental leave and on return-to-work. Processes ensuring autonomy and agency for pregnant employees to determine how they will work during pregnancy and return-to-work are critical. Support for pregnant employees requires a zero-tolerance approach to pregnancy discrimination, supported by organisational messaging that challenges biases in promotion and progression processes about pregnant employees and parents and carers.

The evidence for ongoing change

- 271 survey participants told us that they had experienced discrimination because of their pregnancy or their parent or carer status between December 2015 and 2018.³¹
- Across our data sources, we heard from women that Victoria Police does not have the built infrastructure to support breastfeeding for police members, particularly women on patrol duties, in stations and during training.
- In our interviews, focus groups and survey, we heard from both women and men that being pregnant, or having parenting or caring responsibilities, has had a detrimental impact on their career progression and training opportunities in the last three years.
- We heard from male survey and interview participants that they have experienced stigmatisation when they attempted to access working arrangements that allowed them to accommodate family and carer responsibilities.



RECOMMENDATION 7

Victoria Police should:

- a. record all requests and decisions relating to pregnancy and return-to-work in a centralised database
- b. with employees' consent, ensure that workplaces maintain regular contact with, and support, employees throughout parental leave and in the 12 months after returning to work
- c. uphold the right of breastfeeding employees to take lactation breaks and progressively upgrade building facilities to provide breastfeeding-friendly workspaces
- d. actively promote the rights of men to take parental leave and ensure that men receive the same entitlements and protections as women when requesting and taking such leave and returning to work.

10.2.4 GENDER EQUALITY REQUIRES EQUAL OPPORTUNITY, PAY AND REPRESENTATION

Achieving equal and fair promotion, progression and pay

Equal opportunity, pay and representation are cornerstones of gender equality in organisations. Research has shown that there is less workplace harm and increased employee satisfaction in workplaces where there is equal representation of women and men.³² Opportunities for employees to access fair recruitment, promotion and progression are fundamental to the attraction and retention of a diverse workforce.³³ A diversity of skills and experience are key drivers of organisational capability, particularly for those organisations that provide a direct service to the community.³⁴

To ensure opportunities are provided fairly, organisations must ensure that processes are transparent, consistent and address attitudes and behaviour that can allow bias to impair outcomes.³⁵ Equal opportunity and representation also work to address income inequality, which is driven by sex discrimination, gender segregation across roles and ranks and barriers to women's career progression.³⁶

In 2015, the Commission reported on a workplace where systemic inequality and discrimination undermined the employee lifecycles of most women. Women were under-represented at almost all ranks and levels of the organisation, except for the lowest paid levels of the VPS. Across the employee lifecycle, women experienced significant barriers in accessing development, promotion and progression opportunities.

Changing recruitment practices is critical to achieving increased representation of women and to future-proof Victoria Police by recruiting the most capable future leaders, as shown in Table 32 below.

Table 32 – Recruiting future Victoria Police leaders

Changes to recruitment	Rationale
Revised recruitment criteria that emphasise empathy, ethical decision-making, communication and interpersonal skills are embedded in communications in all future recruitment campaigns.	Research shows that these skills, not physical strength, are the skills used by most frontline police in daily community policing work. ³⁷ In addition to reflecting the core skills of modern policing, emphasising these skills will help to attract more diverse recruit applicants.
Participants are assessed on their capability to meet the physical requirements of general duties policing. Outstanding applicants who possess the skills of communication, emotional intelligence, empathy and conflict resolution are provided training to meet any inherent physical requirements.	Physical requirements can be more easily developed through training.
Gender equality is at the heart of all recruitment campaigns.	Gender equality is critical to attracting more female applicants, so Victoria Police needs to be clear about why and how it is committed to gender equality and what makes it an employer of choice for women.

As detailed in Chapter 6, Victoria Police has made significant progress towards increasing women's representation in the workforce and removing barriers to women's promotion. Further work is needed to continue to address systemic barriers, meet police member recruitment targets, address organisational backlash and understand the required capabilities for all roles across the organisation.

My work place is still heavily dominated by males and males are promoted and/or given higher duties opportunities more than women. Males in my work units are never asked to cater for morning teas, heat, serve and cleanse ... Victoria Police need more women leaders, I have observed women acting ... at executive level on numerous occasions, only to apply for the position and never receive it. If you are good enough to be asked to fill the gap, it's incompressible how an external male wins just about every time. If that's occurring at very senior levels of Victoria Police, what hope is there for the rest of us ... I for one have given up. I attend the staff briefings, nod in the right place, leave with no expectation of change. Will do as I'm told, make no complaints as I am female with not the same opportunities as males.

In 2017, Victoria Police created the 50/50 policy to address systemic sex discrimination across its recruitment, transfer and promotional processes. While the Commission supports the policy, there are concerns that a lack of dedicated organisational messaging to explain its rationale and purpose has driven backlash against the promotion of women. The Commission has not collected any credible evidence that indicates that women are being promoted because of any factor other than their individual merit. However, we have observed widespread attitudes reflecting employee perceptions that promotions are being given to women because of their gender, rather than their individual merit and capability.

The Commission has heard compelling evidence from within and outside of the organisation that the drivers of backlash to the promotion of women in Victoria Police include a lack of transparency in the promotional process, a low organisational understanding of what is meant by the term 'merit' and a lack of feedback for unsuccessful candidates.

The slogan '50 per cent, if not why not' in regards to promotion of women had a detrimental effect. It was totally misinterpreted by members. So many members believed it to be that upcoming jobs were going to be given to female staff, to get 50 per cent ratio of females. It was not explained well at all, and caused disharmony, and did no favours to females at all. Female members who did receive promotions were told over and over it was because they were female. The slogan was badly worded. I admit I thought the same thing initially about it until I had it explained to me what the meaning behind it was.

The Commission has heard that some women feel that they are unable to apply for opportunities because of the backlash against the promotion and progression of women.

I had been working towards securing promotion for a number of years. More than once during this journey, I was told by male colleagues that it was the right time to get promoted because Victoria Police were only promoting women and that a woman would get the job even if she wasn't the 'best' applicant. When I was promoted, I was told that I got the spot because I was a woman. [They said my promotion] was because Victoria Police was trying to achieve a diversity target. After achieving my long hoped for promotion on merit and ability, [it was] followed by the crushing discovery that the common perception is women are promoted primarily on our gender. There is still a massive shortfall across all levels of our organisation with the way female promotion is received. It is almost automatic that my male colleagues think my performance, skills and business contribution aren't relevant. Whilst I dispel these comments in my own mind because I know what I have sacrificed to get here, there are some women that simply won't try because they will be 'branded' and won't be able to push the comments to the side.

Many staff believe that gender is the only reason for some selections and promotions and at times this appears to be the case. This damages the individuals promoted and females more generally in relation to the credibility of their promotion and transparency [of process].

Encouragingly, the Commission has also heard that an emerging group of talented women are beginning to apply for opportunities because they now feel the confidence that they will be supported to access part-time and flexible work. In 2018, Victoria Police reported increases to women's representation in policing roles and Command appointments.

We women are now seeking promotion where previously we wouldn't have put ourselves forward. It is based on merit these days where it might not have been in the past.

However, the 50/50 recruitment targets are not being met, impacting the ongoing under-representation of women in leadership roles. Women remain under-represented in senior police leadership roles and over-represented in the lower VPS grades, and the Commission is continuing to observe key drivers of the gender pay gap in Victoria Police including limited access to flexible work, gendered barriers to promotion and progression and high rates of workplace harm across the organisation.

A colleague confided in me that she was considering if she should apply for a role. Her concern was that she didn't believe they wanted to give the job to a younger female, due to concerns over the possibility of pregnancy. She is considerably more qualified, experienced than some of the males that I know are applying, but she feels she will be overlooked because she is female and looks young. Unfortunately, her concerns have considerable merit. I've seen it happen in this workplace many times at even the highest levels ... It really affected me when this young woman shared her concerns. It highlights the sorts of things women have to consider, when their male counterparts don't have to concern themselves with such obstacles. It emphasises the importance of this initiative

It is very difficult as a female to access programs and mentoring opportunities ... there is a common thread of negativity towards these programs in my office. The attitude men in the office have to these programs make me feel as though I could not access them. There is also an attitude that being a female seeking promotion is easy, that Victoria Police want to promote females so they are getting promoted over males and have it easier. In my opinion this is not the case, being a female severely hampered my chance of promotion. Being a married female in my late 20's I knew that I would struggle to be promoted. I was told with one position I applied for that the boss was refusing to give females a panel because he had too many females in the office pregnant or on maternity leave ... Your confidence is already shot being a female in this organisation and from my early days in this job I was made to feel as though females are second rate to males.

In Victoria Police, women continue to experience structural barriers to promotion, including unconscious bias, gender stereotyping, a hypermasculine culture and a lack of organisational policies and programs to support them. The Commission has heard that the absence of a compelling message explaining the need to address systemic barriers to women's promotion has fuelled backlash, with unsuccessful candidates attributing their perceived loss of a promotional opportunity to an unfair organisational preference towards women.

Ongoing systemic reform must address these structural barriers and address backlash by improving organisational understanding of systemic discrimination and what is meant by 'merit'. Ensuring that systems and processes relating to promotion and progression provide equal opportunity for women to achieve their career potential is essential to embed gender equality and develop Victoria Police's capability. Providing promotion and progression opportunities is a key way that Victoria Police develops the skills and capabilities of its employees, values and retains those employees, and ensures the most capable people take on higher-level responsibilities and leadership roles.

The evidence for ongoing change



- In 2018, 30 per cent of police recruits and 18.8 per cent of Protective Services Officer recruits were women, meaning that Victoria Police is not achieving its target of equal representation of women and men in recruitment.
- In 2018, women remain under-represented in senior police member leadership positions, compared to men. Women comprised 19.3 per cent of inspectors, 14.3 per cent of superintendents, 38.5 per cent of commanders and 18.8 per cent of assistant commissioners.
- While women comprised over 65 per cent of VPS employees, women are over-represented in the lower VPS grades 1–3 (66.9 per cent) as compared to grades 4 and above (33.1 per cent) and have limited career development opportunities in comparison to police members.
- Career advancement in Victoria Police continues to reward operational skills and time in position over people management capabilities and measurable efforts to create safe and respectful workplaces. This directly impacts women’s career progression and does not reflect the capabilities required of Victoria Police leaders.
- Organisational bias in selection continues to disadvantage women, who are more likely to work part-time and take parental leave to care for children. The dominance of senior male voices in selection processes persists despite requirements for gender diversity on selection panels.
- Meaningful feedback is not consistently provided to unsuccessful candidates who apply for promotions. This feedback vacuum and a low organisational understanding of the term ‘merit’ are key drivers of resistance to gender equality.
- Gender equality will continue to improve the experience of all employees in Victoria Police workplaces. Our research has found that in workplaces with more equal representation of women and men, employees feel safer and more respected.
- Continuing its public, annual reporting of the organisational gender pay gap is a critical accountability measure for reducing gender inequality and sex discrimination in Victoria Police.

RECOMMENDATION 8

Victoria Police should:

- a. revise its recruitment criteria for police member recruits to include an emphasis on skills including empathy, ethical decision-making, communication and interpersonal skills
- b. support the development of applicants who fall slightly short on the physical fitness test, but otherwise substantially meet key recruitment criteria reflecting the inherent requirements of a general duties police officer
- c. allow increased lateral entry to police member roles and provide lateral entrants with any necessary training.

RECOMMENDATION 9

Victoria Police should:

- a. revise its criteria for promotion, progression and transfer to include an emphasis on skills including empathy, ethical decision-making, communication and interpersonal skills
- b. collect and analyse disaggregated data on the composition of selection panels, including in relation to gender, rank and employee type, to identify if requirements in relation to panel diversity are effective in mitigating potential gender bias
- c. regularly update the organisation's recruitment resources to reflect the best available evidence on how to ensure decisions are made fairly and without discrimination and bias, and ensure that employees review the resources before serving on selection panels
- d. strengthen the process for providing feedback following decisions related to promotion, progression and transfers
- e. support the promotion and progression of women in Victorian Public Service grades 1 to 3 roles by establishing targeted career development opportunities.

Equal superannuation at the end of service

Women aged over 50 in the Australian community are at greater risk of housing and financial insecurity than Australian men. They represent the fastest growing cohort of people experiencing homelessness in our community.³⁸ This inequality is driven by the discrimination that women experience across their lifecycles, including in lower rates of pay and the amount of unpaid work they engage in compared to men.³⁹

In 2015, the Commission reported that across their careers, women in Victoria Police were paid less than men and exited with significantly less superannuation. We recommended a suite of reforms to improve equality throughout women's careers, including targeted attraction programs, targeted leadership training, an annual gender pay gap analysis and reforms driven by the Victorian Government to address the pay gap in the defined benefit superannuation scheme.

In 2019, the proposed review of the Emergency Services and State Super defined benefit superannuation scheme has not been released despite significant advocacy by Victoria Police to address gender inequality in superannuation payouts. The Victorian Government has committed to a reform package to overhaul the defined benefit superannuation scheme and improve end-of-service benefits for emergency services employees. The Commission emphasises the significant opportunity in this planned reform package to analyse systemic inequality in superannuation processes across the employee lifecycle and improve the retirement benefits for both women and men who exit Victoria Police.

The evidence for ongoing change



- On average, women in Australia retire with a superannuation payout that is 44 per cent less than men.⁴⁰ Gender inequality in superannuation adversely impacts the health, wellbeing and economic security of women in retirement,⁴¹ and means that women are more likely than men to experience poverty, including homelessness, in retirement.⁴²
- In 2015, the Commission found that female police members exited Victoria Police with a lump sum payment of up to \$150,000 less than their male colleagues. We found that drivers of the gender pay gap included fewer opportunities for promotion and progression for women, undermining their ability to earn higher wages and accrue more superannuation over their employee lifecycle.
- Victoria Police conducted its own gender analysis of superannuation in 2017 and found that:
 - a range of complex factors affect the quantum of an employee’s lump sum benefit paid under the scheme, including that women in Victoria Police were less likely than men to work full-time for the duration of their career, were more likely than men to work part-time and separated from the organisation at an earlier stage of their career compared to men
 - women’s lump sum benefits are affected by gender inequality, workplace harm and systemic discrimination across their employee lifecycle.
- By 2018, women in Victoria Police were still far more likely than men to work part-time, to take career breaks to provide care and leave Victoria Police at an earlier stage of their career. These factors continue to affect women’s salary, progression and their superannuation contributions.
- The Victorian Government has not released the findings of its gender impact analysis of the Emergency Services and State Super defined benefit superannuation scheme to Victoria Police. This has impeded Victoria Police’s work to advocate for increased gender equality in superannuation for eligible employees.

RECOMMENDATION 10

The Victorian Government should:

- a. publicly release the findings of the gender impact analysis of the Emergency Services and State Super defined benefit superannuation scheme
- b. consider the gender impact of the proposed reforms to the scheme, including the impact of the proposed individual ‘catch-up’ contributions after periods of unpaid leave for parents and carers on ongoing part-time working arrangements
- c. implement changes to the scheme to address the lifetime impact of gender inequality on superannuation payouts.

10.2.5 VALUES-DRIVEN BEHAVIOUR EMBEDS GENDER EQUALITY AND CREATES SAFE AND RESPECTFUL WORKPLACES

Managers and supervisors as a critical lever for change

Many employees will take their cultural and behavioural lead from their direct supervisor. This is particularly so in an organisation like Victoria Police that is so large and disparate, with many micro cultures. In this sense, managers and supervisors can either choose to be genuine supporters of reform or blockers.⁴³ A safe and respectful workplace has managers and supervisors who set and role model clear standards of behaviour and who understand and respond appropriately to harmful workplace attitudes and incidents of sex discrimination and sexual harassment. It is imperative that the organisation invests in supporting its managers and supervisors to understand and champion gender equality and provide opportunities for them to learn from each other.⁴⁴

In 2015, the Commission emphasised the critical roles that managers and supervisors in Victoria Police have in creating the culture of a workplace and setting expectations for behaviour. We found that the response of Victoria Police to workplace harm relied on the ability of managers and supervisors to identify and respond appropriately to unlawful behaviour.

Since 2015, Victoria Police has undertaken significant work to train and uplift managers and supervisors across the organisation to ensure that they can identify and respond appropriately to harm. Managers and supervisors are also assessed within the Professional Development and Assessment system for whether they actively prevent sex discrimination and sexual harassment. The Commission has heard positive stories of increased support provided to employees by managers and supervisors who have committed to addressing workplace harm.

Bullying and discrimination still strongly exists within the police force against both male and female and it is entirely dependent on your work place management on how you are treated. I am extremely fortunate to have a very supportive team of managers who are understanding and with whom I can openly converse with and will act on my behalf if necessary.

The Commission has also heard that some managers and supervisors do not understand or support organisational reforms towards gender equality. Availability of key initiatives such as flexible and part-time working arrangements are dependent on the attitude and abilities of local managers, with many employees reporting that their managers or supervisors will not try to accommodate requests. We also heard that some managers and supervisors are failing to respond appropriately to workplace harm.

There are very different experiences in terms of support available and accountability measures depending on what area in Victoria Police you work in. I have witnessed appalling treatment of women in [Victoria Police units] as recently as this year. I am aware women in [unit] in particular have been bullied, harassed and victimised by [managers and supervisors] when they put themselves forward to attend professional development opportunities or engage in networking. The [managers] running these units are not held to account.

[Supervisors] deliberately undermine female managers and encourage others to do so. There is a lot of 'talking the talk' from some senior managers but I truly doubt how much of it is genuine. Other senior managers are absolutely fantastic and clearly genuinely committed to the cultural reform that is dearly needed.

Continued focus is needed to ensure that managers are trained, supported and accountable for building safe and respectful Victoria Police workplaces.

The evidence for ongoing change

- Managers and supervisors continue to be a crucial part of Victoria Police's work to drive cultural change. They are directly responsible for the creation of safe and respectful workplaces and set behaviour standards for employees.
- The Commission has heard mixed reports of the attitudes and behaviours of managers and supervisors, with employees reporting the significant detrimental impact when managers and supervisors do not support organisational measures to achieve gender equality.
- The availability of entitlements such as flexible working arrangements and parental leave are affected by managers' attitudes and behaviour, with employees reporting inconsistent outcomes depending on their direct line manager.
- Women continue to report lower rates of perceived safety and respect in Victoria Police workplaces than men.
- Managers and supervisors are often the first point of contact for victims/survivors of workplace harm, and yet not all are equipped to respond to it effectively.
- Backlash and resistance to change is evident across Victoria Police workplaces. Managers and supervisors are an important source of messaging around the case for change.



RECOMMENDATION 11

Victoria Police should continue to improve manager and supervisor capability and behaviour, including through clear performance expectations embedded in key performance indicators that require them to:

- a. set clear standards and expectations for staff behaviour and attitudes and ensure that instances of sex discrimination or sexual harassment are dealt with effectively and in line with organisational policy and legislative obligations
- b. provide effective support to employees who experience sex discrimination or sexual harassment
- c. where they participate in decision-making processes, ensure that promotion, progression and development opportunities are delivered equally and with an awareness of the impact of systemic discrimination and unconscious bias
- d. build, support and model a culture of flexible work.

Values-driven behaviour across all employee cohorts

The values that drive the culture and attitudes of an organisation have a significant impact on the nature and prevalence of harmful behaviours.⁴⁵ Research shows that violence against women is driven by values and behaviours that condone aggression or disrespect towards women and entrench rigid gender stereotypes.⁴⁶ It will not be sufficient to have a set of prescribed values that are mounted on a wall or form part of an induction manual. These values must be clearly linked to behaviour that guides all interactions internally and externally.

A values-driven culture drives safer, more respectful workplaces and works to prevent the detrimental impact of everyday sexism.⁴⁷

Victoria Police employees operate under a complex external scheme of legislative obligations (see chapters 2 and 3). They must also model the values and behaviours expected of public sector employees and police members.⁴⁸

In 2015, the Commission found that the way some Victoria Police employees behaved in the conduct of their work directly undermined the ability of others in the workplace to perform. Across Victoria Police, there was an inconsistent understanding of the standard of behaviour expected of Victoria Police employees.

We were oblivious. Once this was pointed out, I was able to reflect on all the times I had sat back and observed and to a certain extent participated in certain behaviours that at the time we didn't think were a big deal. That's the cultural change. The joking around, the low-level jokes with sexual connotations. I think all of us have been a part of it or participated to some extent.

I am not proud of everything I have done in Victoria Police. I make sure now that because some of my colleagues went through [harmful behaviour] when I was a Constable, people don't have to now. We are changing with the times. We try other methods. As society changes, Victoria Police is changing and it needs to change.

Employees now undertake biennial training to ensure they understand their legal obligations and know the values and behaviours that are expected of them. Encouraging work is developing to reset the Victoria Police values and ensure that they reflect the needs of a modern, diverse and capable policing community.

I am very proud of how far many employees have come in their attitudinal and behavioural shifts in Victoria Police. I am in no doubt we have a long way to go and we need to become innovative in the ways we sustain our approach to recognising the value of diversity and debunking myths, particularly around the growth of women in leadership positions ... I am very confident we will continue to grow and learn and mature and we are a progressive employer of choice.

All police should be recruited for their values, principles, morals and professionalism. If we get that right then all police personnel should treat the public and colleagues with dignity, respect, inclusiveness and professionalism.

The current state of gender equality in Victoria Police reflects an organisation that is progressing towards building a values-driven culture. However, there are continuing issues with everyday sexism and damaging attitudes and behaviours driving harm. Further work is needed to ensure that employees are measured against their demonstration of Victoria Police values. Employees must also model a clear understanding of their obligations in the workplace and the impact of sex discrimination and sexual harassment, and this expectation should be embedded within the organisational values statement.

The evidence for ongoing change

- Employees who do not demonstrate values of safety, respect and inclusion have a detrimental impact on Victoria Police workplaces and their colleagues.
- Values-driven behaviour is not consistent across the organisation. While important work has progressed to update organisational values, a strong expectation-based platform for employee behaviour and values is needed to drive gender equality across the organisation.
- Victoria Police still lacks a cohesive organisational case for change and clear messaging about standards of behaviour linked to a positive vision for a gender equal workforce. The phase 3 employee survey showed that women were far more likely than men to believe in the need for gender equality reform in Victoria Police.



RECOMMENDATION 12

To support work to reframe the organisation's values, Victoria Police should:

- a. ensure that new values reflect a modern, capable policing organisation with workplaces that embed gender equality, safety and respect
- b. set clear expectations that employee attitudes and behaviour reflect the organisation's values, with accountability for demonstrating values-driven behaviour built into the Professional Development and Assessment system
- c. increase messaging to promote the expectation that employees model values-driven behaviour and link this messaging to the organisational case for change.

10.2.6 EFFECTIVE RESPONSES TO WORKPLACE HARM ARE ESSENTIAL FOR MODERN POLICING

Experiencing everyday sexism, sex discrimination and sexual harassment in the workplace can have a significant and cumulative impact on employees. Experiences of workplace harm drive employee disengagement from the workplace and absenteeism, and have a negative impact on employee productivity.⁴⁹ These individual impacts have consequences for organisations, affecting overall productivity, professional engagement and workforce capacity.⁵⁰ Organisations need to act proactively to combat the negative personal and organisational costs of workplace harm.

In 2015, the Commission revealed a toxic culture of everyday sexism in Victoria Police that harmed employees across the force. We found that employees who reported harmful behaviour were met with insufficient organisational responses to their harm and experienced victimisation and reprisals when they made a formal complaint. Workplace harm was impacting the morale of teams across the organisation, driving down organisational productivity and impacting individual performance.

I was honestly shocked; I was embarrassed, shocked, and appalled at what came out of it [the phase 1 review]. And my sense of justice and fairness made me believe that stepping forward was important whether that's about harassment, equality, discrimination. Everything about it – we needed a significant change.

As we discuss in detail in Chapter 8, Victoria Police has committed to transforming the way the organisation both prevents and responds to workplace harm. This work has included training focused on setting clear expectations for employee behaviour, uplifting the capability of managers to respond to harmful workplace behaviour, and developing a robust and victim-centric model to case manage and investigate incidents of workplace harm. Victoria Police is also continuing to build the systems and structures to respond to systemic discrimination, supported by a robust organisation-wide strategy that aligns with the work of government and the broader community to respond to gendered harm. There has been significant work to address the particular vulnerability of recruits in the Victoria Police Academy and create a safe learning environment that fosters the next generation of frontline employees.

There was a bit of shock [following the release of the phase 1 report] ... Recruits saw that action was being taken ... It was hard work, but it made the Academy turn on its head. It was only the result of strong leadership ... They took action and didn't tolerate any of that behaviour. That really showed a commitment at the Academy to change the behaviours massively.

Addressing the extent and impact of workplace harm across Victoria Police is a significant organisational challenge. The gendered harm and discriminatory attitudes that the Commission reported on in 2015 were deeply embedded in the culture of Victoria Police, and still exist across the organisation. Employees today have told the Commission of the continuing impact that their experiences of sex discrimination and sexual harassment have on their mental and physical health, their capability and their workplace.

As we detail in Chapter 4, the Commission delivered the *Proud, visible, safe* report in 2019 on the harm experienced by Victoria Police employees who identify as LGBTI. Our report identified a widespread issue with discrimination and sexual harassment experienced by LGBTI employees, driven by homophobia and a rigid and hypermasculine culture.⁵¹

In at least three or four previous Victoria Police workplaces I experienced ... discrimination due to my sexual orientation; I was ostracised, treated with a lack of respect, derogatory comments made to my face and behind the scenes and I was given no assistance at points during my early training due to my sexual orientation. A senior member told me 'we don't want anyone of your kind here'. I have had to continually protect myself from this behaviour by pretending to be someone else. Although in recent times there has been improvement through HR initiatives and Pride Networks, I don't feel safe. I am carrying years of discrimination and bullying which I have always tried to put aside. I know that it has damaged me to the point that I get emotional writing this.

Across the workplace harm model, there are reports of low satisfaction with the outcomes of complaints. Employees who made a formal report of experiencing workplace harm told us that they are far less likely to report future harm because of their experiences following the complaints process. In Chapter 8, we identify that a significant driver of these poor experiences is a lack of sufficient resourcing within key workplace harm units. The Commission has heard that the current inadequate resourcing within Onelink has resulted in the organisation not promoting the service.

My experience with OneLink hasn't been very good. A lack of timely response. A lack of wanting to put something in writing ... [W]hen you want them to take charge of an incident or investigation, as per the manual, they won't do it. Or they're hesitant to do it. And it took a lot of battling in a recent case for them to employ an independent investigator. It took a month after the incident.

There are concerning reports of experiences of victimisation in Victoria Police workplaces across our data sources, with detrimental action experienced by employees as a result of reporting harm. The Commission has heard that experiences of victimisation add to an organisational climate where employees do not feel safe to report workplace harm.

I gave my life to Victoria Police. I have always treated colleagues, victims, outside agencies respectfully. I am passionate about family violence and abuse of children and the elderly. To be treated the way I was for reporting bullying behaviour had a significant impact on me, my life, my family. I will never be the same person I was before this occurred.

My personal information about my private life was shared amongst other employees and discussed openly in attempts to discredit my reputation. It made me feel uncomfortable and victimised.

After reporting a manager for serious conduct ... I have endured bullying behaviour. I feel my opportunities have been vastly reduced from this experience. I do not trust Victoria Police.

When I raised a complaint about the discrimination which I was experiencing in the workplace, my boss became vindictive and bullying. Additional tasks were given to me and my workload was increased dramatically.

The Commission has heard that there is a complex legislative framework that defines what constitutes improper conduct arising from a breach of Victoria Police employee discipline requirements. This continues to impact the ability of the organisation and its oversight bodies to properly categorise and respond to workplace harm.⁵² The Commission understands that the current statutory definitions arising from a disciplinary process do not adequately capture the serious impact of sex discrimination and sexual harassment on victims/survivors of harm and the organisation and the confidence of the community in Victoria Police.

The new Victoria Police disciplinary system remains in development, despite a continuing and compelling need for the organisation to reform the way it deals with alleged perpetrators of harm. The Commission acknowledges that there have been complicating factors that have impacted the delivery of a new disciplinary system, including a Parliament of Victoria inquiry. However, the Commission emphasises that this work must progress to ensure that the disciplinary system is fair, timely, consistent, transparent and holds perpetrators to account.

The ongoing work of Victoria Police must continue to respond to workplace harm in a way that acknowledges its significant individual, workplace and organisational impact. It should ensure victim-centricity is embedded across all its processes and systems that respond to workplace harm, and adequately resource all components of the complaints and disciplinary systems.

The evidence for ongoing change

- Employees in Victoria Police continue to report experiences of sex discrimination and sexual harassment that affect their mental and physical health, capability and progression, as well as the organisation's service delivery and culture.
- A high proportion of survey respondents who made a formal complaint of workplace harm were not satisfied with the complaints process, with 41 per cent of respondents reporting that they thought the complaints systems was not at all effective.
- Employees do not feel that the complaints process meets their expectations, with nearly half of all survey respondents who made a complaint between December 2015 and 2018 stating that their expectations of the process were not met at all.
- OneLink, the Victoria Police unit created to case manage and triage complaints of workplace harm, is inadequately resourced and underutilised.
- Employees who made complaints reported experiencing reprisals and victimisation as a result of making a complaint. These experiences included consequences such as being denied training or promotion, bullying, workplace exclusion and changes to their working context.
- Employees who responded to our survey have low confidence that they would be protected from negative consequences after reporting workplace harm.
- The legislative framework around the disciplinary system does not consistently allow for sexual harassment and predatory behaviour to be classified as a breach of discipline within the meaning of the Victoria Police Act⁵³ or improper conduct within the meaning of the Protected Disclosure Act,⁵⁴ resulting in inconsistent classification of complaints of workplace harm.
- Victoria Police has not yet implemented Recommendation 20 of the phase 1 review to reform its disciplinary system and ensure that it is accessible, fair, timely, consistent in outcomes, transparent and victim-centric.



RECOMMENDATION 13

Victoria Police should:

- a. resource OneLink to ensure that it is equipped to meet organisational demand
- b. prioritise the implementation of a reformed disciplinary system, in line with Recommendation 20 of the phase 1 review
- c. advocate for legislative amendments to include sexual harassment and predatory behaviour in the definition of 'conduct' constituting a breach of discipline in the *Victoria Police Act 2013* (Vic) and 'improper conduct' in the *Protected Disclosure Act 2012* (Vic)
- d. create a centralised process to ensure that victims/survivors, alleged perpetrators and their managers understand their obligations around victimisation, which:
 - i) once a complaint of workplace harm has been made, triggers the provision of a clear, accessible policy document that explains victimisation, its impact on the victim/survivor and the obligations of the alleged perpetrator, the victim/survivor and the direct line manager(s) to maintain confidentiality around the complaint
 - ii) requires that alleged perpetrators provide a written undertaking that they will not engage in victimisation or breaches of confidentiality during or after a complaint or disciplinary process
 - iii) implements a zero-tolerance approach to victimisation, with clear consequences for perpetrators that are proportionate to the impact on victims/survivors and Victoria Police.
- e. work with the Independent Broad-based Anti-corruption Commission to explore opportunities to collect and analyse systemic data relating to victimisation and reprisal at the end of an investigation relating to sex discrimination or sexual harassment, including predatory behaviour.

Ensuring redress and restorative engagement for victims/survivors of workplace harm

Restorative justice processes allow victims/survivors to discuss their experiences, and the harm those experiences have caused, with those who are responsible. Together, all parties agree on a course of action to heal the harm.⁵⁵ Restorative justice processes can promote healing, empower victims/survivors, and provide a powerful opportunity for listening, accountability and learning.⁵⁶

The Commission has shown across our reports that gendered harm and discrimination have had devastating consequences for victims/survivors and others in the organisation. They have had undermined the capability and performance of Victoria Police. Over time, these behaviours have damaged employee faith, trust and confidence in the organisation.

In 2015, the Commission recommended that the Victorian Government commence organisational healing and address the profound impact of sex discrimination and sexual harassment by creating a restorative justice process, known as the Victoria Police Redress and Restorative Engagement Scheme. As we detailed in Chapter 5, this scheme has not yet been established. The Commission continues to hear from employees and key stakeholders that the delay in the implementation of the scheme is having a profound impact on victims/survivors.

Victoria Police continues to address past harm by participating in redress and restorative engagement processes through the interim restorative engagement scheme facilitated by the Commission. The conciliation process is powerful, with both victims/survivors and leaders who participate reporting the significant impact of engaging in the scheme on individual healing and leadership learning. By seeking to learn from and heal the individual and organisational harm of the past, Victoria Police will create systems and change attitudes to prevent it from occurring in the future.

The evidence for ongoing change

- A formal Redress and Restorative Engagement Scheme for Victoria Police employees is not yet operational, although the Commission has been operating an interim scheme through a modified version of our Dispute Resolution Service.
- Participation in the Commission's scheme has resulted in overwhelmingly positive outcomes for both participants and leaders.
- There is an ongoing need for Victoria Police to engage in organisational healing through restorative justice processes to address workplace harm experienced by its employees.



RECOMMENDATION 14

1. The Victorian Government should:
 - a. follow through on its commitment to establish, and adequately fund, a Redress and Restorative Engagement Scheme for Victoria Police employees
 - b. broaden eligibility for redress under the promised scheme to include all current and former employees who have experienced sex discrimination and sexual harassment, including predatory behaviours, as well as victimisation
 - c. ensure that the design of the scheme aligns with the restorative justice guiding principles set out in the Commission's phase 1 report.
2. The Victorian Government and Victoria Police should work together to promote the scheme widely to eligible employees.
3. Victoria Police should:
 - a. begin work to ensure that many of its senior leaders are ready to participate in the scheme on behalf of the organisation, including by training them in restorative justice principles
 - b. establish internal processes to ensure that learnings from engaging in the scheme inform systemic change in the organisation.

Contributing to efforts towards achieving organisational gender equality and primary prevention across Victoria

Primary prevention refers to the response of a community, organisation or social group to stop violence before it happens. Primary prevention focuses on addressing the structures, behaviours, social and cultural norms and environments that cause violence against women.⁵⁷ The Victorian Government has engaged in a range of activities to deliver on its commitment to build the primary prevention of gendered violence and has recognised that organisations are an important limb of this commitment.⁵⁸

Victoria Police has emerged as a leader in the practice of primary intervention in their continuing work to address their organisational drivers of workplace harm. A primary prevention focus will help protect the organisation's employees against sex discrimination and sexual harassment in the workplace.⁵⁹

Victoria Police has an influential role in shaping the response of the community to gendered violence. Recently, it has articulated a powerful shift in public messaging in recognising that violence against women is inescapably gendered and is driven by discriminatory attitudes towards women and girls. This shift in the external messaging of Victoria Police reflects the important reforms it has made to its internal practice, including in organisational responses to the Royal Commission into Family Violence and the victim-centric approach of the Sexual Offences and Child Abuse Investigation Teams to gendered crime in the community. This evidence-based and influential public stance will be strengthened by achieving gender equality within the ranks of Victoria Police to drive the commitment of the Victorian community to ending violence against women.

I truly believe that the most highly functioning stations with the best morale are ones where it is evident there is an equal (or close to) gender split. There appears to be less conflict, less injuries and more collaboration. Gender equality at a station level allows for all voices to be heard equally and poor behaviour to be called out. In the future it will be exciting to see an equal gender split within the higher ranks as this will have a strong impact on those new to the organisation as it won't be rare to see a female in charge at a police station, it will just be the norm therefore [women] won't see any barriers in their own careers. The community's expectations of Victoria Police have changed significantly over the years. We had to show a strong commitment that we were also an innovative and forward-thinking organisation. I think the release of the [Commission's] report has shown that we are prepared to change and we are prepared to release the skeletons from the closet and admit our failings. I would hope that the community would see that we are willing to step up and meet their expectations of us and change with them.

The evidence for ongoing change

- Primary prevention of gendered harm is a key commitment in the work of the Victorian Government to prevent gender-based violence against women, including family and sexual violence.
- Victoria Police is positioned as a leader in their work to transform their organisation to one based on safety, equality and respect.
- There are important learnings that can be leveraged from the Victoria Police reform journey and shared with other organisations that are undertaking their own cultural transformation journey.



RECOMMENDATION 15

Victoria Police should identify and leverage opportunities to share successes and learnings from its change journey to guide other organisations undertaking reform to achieve gender equality and inform broader efforts towards the primary prevention of gender-based violence against women.

Strengthening the Equal Opportunity Act and reducing the burden on victims/survivors to enforce the law

Primary prevention is also supported by a robust legal framework that contains effective enforcement mechanisms and alleviates the burdens on victims/survivors of gendered harm to enforce the law when breaches occur.

As discussed in Chapter 3, Victoria is unique in that the Equal Opportunity Act requires employers to take preventative action to eliminate discrimination, sexual harassment and victimisation. The Commission already uses this duty to affect broad cultural change. However, the 2011 amendments to the Act – which introduced a higher threshold for commencing an investigation, removed the public inquiry function and limited the compulsion powers – constrain our ability to achieve greater change.

If the positive duty in the Equal Opportunity Act was accompanied by appropriate compulsion and enforcement powers, as envisioned in the Gardner review, the Commission's ability to deliver systemic change and help alleviate the current burden placed on individuals to enforce the law would be greatly enhanced. This is especially important given the widely recognised barriers to bringing complaints related to sex discrimination and sexual harassment (see Chapter 8). Effective consequences for non-compliance with the duty would also enable us to bring about change when education and encouragement fail.

For the Commission to enforce the positive duty effectively, the power to begin and conduct inquiries must sit solely with the Commission. We must be vested with some powers to impose sanctions (for example, enforceable undertakings and compliance notices). The threshold for a public inquiry would be if the matter is: (a) serious in nature; (b) relates to a class or group of persons; and (c) is in the public interest. The threshold for an investigation would be if the matter is: (a) serious in nature; (b) indicates a possible contravention of the Act; and (c) we have a reasonable expectation that the matter relates to a class or group of people.

These amendments would have the effect of making Victoria's positive duty enforceable. Among other things, this would in turn enable the Commission to require organisations who have breached their positive duty to take corrective action, which would ultimately be enforceable at the Victorian Civil and Administrative Tribunal. It is reasonable to imagine that while enforcement tools would on occasion be necessary to enforce the Act, their mere existence, rather than use, may facilitate cooperation from organisations.

These changes would bring the Act in line with international best practice. For example, the equality duty in the *Equality Act 2006* (UK) enables the UK Equality and Human Rights Commission to enforce compliance through a broad range of regulatory tools, including assessments, investigations, agreements and compliance notices. It also has the power to conduct a public inquiry into any matter relating to any of its duties, and has done so in relation to disability-related harassment for example.

RECOMMENDATION 16

The Victorian Government should amend the *Equal Opportunity Act 2010* (Vic) to reinstate and strengthen the Victorian Equal Opportunity and Human Rights Commission's functions and powers to enforce the Act and address systemic issues of discrimination, sexual harassment and victimisation, including the functions and powers to:

- a. undertake own-motion public inquiries
- b. investigate any serious matter that indicates a possible contravention of the Act:
 - i) without the need for a reasonable expectation that the matter cannot be resolved by dispute resolution or the Victorian Civil and Administrative Tribunal
 - ii) with the introduction of a 'reasonable expectation' that the matter relates to a class or group of persons
- c. compel attendance, information and documents for the purposes of an investigation or public inquiry without the need for an order from the Victorian Civil and Administrative Tribunal
- d. seek enforceable undertakings
- e. issue compliance notices as potential outcomes of an investigation or a public inquiry.

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Part IV. Appendices

Appendix A. Terms of Reference

The Expert Panel, led by Commissioner Kristen Hilton, Victorian Equal Opportunity and Human Rights Commission, will review, report and make recommendations on:

- (1) The nature and prevalence of sex discrimination and sexual harassment including predatory behaviour among Victoria Police personnel.
- (2) The drivers of sex discrimination and sexual harassment among Victoria Police personnel.
- (3) The impact of sex discrimination and sexual harassment on people targeted by these behaviours.
- (4) Initiatives required to drive cultural and practice change including the adequacy and effectiveness of existing initiatives and of approaches to training, education, mentoring and development.
- (5) Organisational change strategies to promote safety, equality and freedom from sexual harassment in Victoria Police.
- (6) Any other matters the Panel considers appropriate that are incidental to the above terms of reference. Additionally, 18 months after the release of the Phase 1 Review and then again 12 months later, a further independent Report will be prepared which:
 - audits the implementation by Victoria Police of the recommendations in the Panel's Report
 - makes any further recommendations necessary.

The Expert Panel will consult widely in conducting the Review.

The Victorian Equal Opportunity and Human Rights Commission and Victoria Police agreed that issues out of scope were:

- prevalence of sex discrimination, sexual harassment including predatory behaviours by Victoria Police personnel towards community members
- prevalence of family violence where Victoria Police personnel are alleged perpetrators or victims
- barriers to community members reporting sexual harassment and predatory behaviour by Victoria Police personnel.

These limitations were based on complementary initiatives being undertaken by Victoria Police and other agencies, as well as the scope of the Commission's research powers under section 157 of the *Equal Opportunity Act 2010* (Vic).






Appendix B. Audit framework

RECOMMENDATION 1 Acknowledging harm and establishing a redress and restorative engagement scheme	RECOMMENDATION 2 Establishing governance structures and independent advisory structures	RECOMMENDATION 3 Embedding a gender equality strategy, data collection and local strategies	RECOMMENDATION 4 Developing a comprehensive communications and engagement strategy	RECOMMENDATION 5 Reviewing and updating policies and procedures to achieve gender equality and diversity
Acknowledging harm	Leading organisational reform	Embedding a gender equality strategy	Communicating a vision of workplace gender equality	Modernising organisational policies
Redress and restorative engagement	Maximising external expertise	Using data and reporting to drive gender equality	Supporting managers to lead change	Supporting employees to put policies into practice
RECOMMENDATION 6 Improving recruitment practices and understanding attrition	RECOMMENDATION 7 Embedding flexible work and supporting pregnant employees, and parents and carers	Elevating women's voices	Understanding attitudinal change	RECOMMENDATION 10 Strengthening risk management in the learning environment
Improving recruitment practices	Embedding a culture of flexibility	RECOMMENDATION 8 Strengthening promotional processes and career development for women	RECOMMENDATION 9 Promoting gender equality through training	Reducing the risk of harm in the learning environment
Understanding attrition	Supporting pregnant employees, parents and carers	Using data to support women's progression	Improving training content and accessibility	Ensuring a safe and respectful learning environment
		Ensuring fairness in progression for constables	Delivering workplace harm training	
		Supporting women's career development		

<p>RECOMMENDATION 11 Reviewing the genuine requirements of roles</p>	<p>Ensuring all roles reflect contemporary requirements</p>	<p>RECOMMENDATION 12 Improving responses to workplace harm through performance management</p>	<p>Improving employee management capability</p>	<p>RECOMMENDATION 13 Implementing systems to respond to workplace harm</p>	<p>Structures to respond to workplace harm</p>	<p>RECOMMENDATION 14 Ensuring cohesive and comprehensive wellbeing and support services are available to employees</p>	<p>Creating a cohesive employee support system</p>	<p>RECOMMENDATION 15 Making use of people management expertise</p>	<p>Providing specialist human resources to support local workplaces</p>
		<p>Modelling expected behaviours at executive level</p>	<p>Establishing consistent responses to workplace harm</p>	<p>Using data to improve individual and systemic responses to harm</p>	<p>Supporting wellbeing in the workplace</p>				
<p>RECOMMENDATION 16 Embedding Victoria Police's values and expectations and resolving legislative and process issues in the complaints and discipline framework</p>	<p>Continuing protected disclosure and disciplinary reforms</p>	<p>RECOMMENDATION 17 Reducing the superannuation gap for women</p>	<p>Reducing gendered economic inequality in the workforce</p>	<p>RECOMMENDATION 18 Implementing protected disclosure changes</p>	<p>Continuing protected disclosure and disciplinary reforms</p>	<p>RECOMMENDATION 19 The Police Registration and Services Board reviews disciplinary decisions in line with best practice</p>	<p>Ensuring best practice disciplinary review decision-making</p>	<p>RECOMMENDATION 20 Remodelling the complaint-handling and discipline system</p>	<p>Embedding the new discipline system</p>
<p>Embedding Victoria Police values and behavioural expectations</p>	<p>Embedding Victoria Police values and behavioural expectations</p>								

Appendix C. Outcome monitoring framework

VICTORIA POLICE IN 2030				
Leadership drives a culture of inclusion and respect	✓	Pregnant employees, and parents and carers are supported	✓	
The voices of women are elevated across the organisation	✓	Promotion and progression processes are fair and accessible to all employees	✓	
The values of safety, respect and inclusion drive employee behaviour	✓	Workplace harm is addressed consistently and confidentially, and responses put the victim at the centre	✓	
Women are paid and represented equally across all ranks and roles	✓	The complaints and discipline systems are fair, timely, accessible and victim-centric	✓	
All employees are supported to work flexibly	✓	Data collection and reporting drive accountability and continuous improvement	✓	
LEADERSHIP	WOMEN'S VOICES	VALUES	REPRESENTATION AND EQUAL PAY	FLEXIBILITY
Senior leaders continuously champion and are accountable for achieving organisational gender equality	Women are represented in the strategic leadership of gender equality reforms	Increased employee recognition of the problem of gender inequality and the need for reform	Increased representation of women across the workforce	Increased uptake of flexible work for women and men
Senior leaders are held to account for their behaviours and the culture of their workplaces	Women's perspectives and experiences are elevated across the organisation	Employees behave respectfully to one another	Equal pay and superannuation for all employees	Increased positive attitudes to, and support for, flexible work

PREGNANT EMPLOYEES, AND PARENTS AND CARERS 	PROMOTION AND PROGRESSION 	SAFETY AND VICTIM-CENTRICITY 	COMPLAINTS AND DISCIPLINE 	DATA COLLECTION AND REPORTING 
<p>Pregnant employees are supported and no employee experiences pregnancy discrimination</p> <p>Parenting and caring responsibilities are not barriers to progression and promotion</p>	<p>Women have increased access to professional development and training</p> <p>Selection processes are fair and impartial, and mechanisms exist to address and reduce bias</p> <p>Women have increased access to higher duties and at-level assignment opportunities</p>	<p>Creation of a best-practice redress and restorative engagement scheme for victims/survivors</p> <p>Decreased rates of harm across the organisation and greater victim-centricity in responses to harm</p> <p>Increased safety and respect for all recruits</p>	<p>Increased timeliness and consistency of responses to workplace harm</p> <p>Increased employee trust in the complaints and disciplinary systems and perceptions that they are robust and fair outcomes</p>	<p>Increase in regular data collection, analysis and reporting with clear lines of accountability</p> <p>Increase in data analysis supported by processes to address risks and issues</p> <p>Increase in the measurement of internal and external accountability against key metrics</p>

Appendix D. Survey questionnaire

ABOUT THIS SURVEY

All Victoria Police employees are invited to participate in this voluntary survey which is open until Thursday 25 October. This survey is conducted independently by Australian Survey Research on behalf of the Victorian Equal Opportunity and Human Rights Commission. Victoria Police continues to support the Independent Review and our research.

Depending on your answers the survey will take between 5 and 15 minutes. You can only respond to this survey once, but you do not need to complete it at once – you can come back at a later time to finish the survey.

You can forward your unique link to this survey to your personal email address and answer from home. You can answer from any device at any location that has internet access, including a smartphone or a tablet.

For information about the survey background, confidentiality of your answers, ethics approval, why participation is important and how will information be used, please [click here](#).

If you would like to know where to get support [click here](#). This link will also be offered at the end of the survey.

If you want to make a formal complaint about sexual harassment or discrimination, please do NOT use this survey. [Click here](#) for information about making a complaint.

HINTS FOR ANSWERING

Only the first section of questions about you are compulsory but for most of these questions you can select 'prefer not to answer'.

Use the Next and Previous icons with the survey software to save and move around the survey form. Do NOT use your internet browser or phone back buttons as this will take you out of the survey form.

You can answer over multiple sittings, using the unique link emailed to you. If you return, you will be taken to the last page you saved.

You can use any device to answer and you can answer from more than one device.

If you don't click on Next or Previous for 60 minutes, your session will time out.

If you have questions about the conduct of the survey, please call the Independent Review team at the Victorian Equal Opportunity and Human Rights Commission at (03) 9032 3498 (Mon–Fri, 9am–5.30pm) or email policereview@veohrc.vic.gov.au.

If you have any technical questions about the survey software, please contact Australian Survey Research at 1800 068 489 (Mon–Fri, 9 am–5.30pm) or vicpolsurvey@aussurveys.com

CONSENT

By completing and submitting this survey you are consenting to your answers being included in the summary report of answers. You are consenting on the understanding that the information you provide will be confidential and that no person will be identified as a result. If you want to withdraw after completion of the survey please contact Australian Survey Research at vicpolsurvey@aussurveys.com.

About you

Your answers to the following questions will not be used to identify you. Only aggregate or summary information is produced. Where fewer than 5 people are within a particular group, these will not be reported.

All questions in the About you sections are compulsory. You can select the prefer not to answer option for any of these questions.

How long have you been employed by Victoria Police?

Answer in total years if you have been employed by Victoria Police at different times.

- Less than 1 year
- 1–2 years
- 3–5 years
- 6–10 years
- 11–15 years
- 16–20 years
- More than 20 years
- Prefer not to answer

What is your current classification, grade or rank?

This may be a substantive or acting level.

- Reservist
- Recruit
- Probationary Constable
- Constable
- First Constable
- Senior Constable
- Leading Senior Constable
- Sergeant
- Senior Sergeant
- Inspector
- Superintendent or above
- PSO
- PSO First Class
- PSO Senior
- PSO Supervisor
- PSO Senior Supervisor
- PCO
- PCO Supervisor
- PCO Senior Supervisor
- VPS Grade 1–2
- VPS Grade 3–4

- VPS Grade 5–7
- Executive Officer 1–3
- Forensic Officer 1–3
- Forensic Officer 4–7
- Contractor
- Other
- Prefer not to answer

Which type of level is this?

- Substantive
- Acting
- Prefer not to answer

What is your substantive classification, grade or rank?

- Reservist
- Recruit
- Probationary Constable
- Constable
- First Constable
- Senior Constable
- Leading Senior Constable
- Sergeant
- Senior Sergeant
- Inspector
- Superintendent or above
- PSO
- PSO First Class
- PSO Senior
- PSO Supervisor
- PSO Senior Supervisor
- PCO
- PCO Supervisor
- PCO Senior Supervisor
- VPS Grade 1–2
- VPS Grade 3–4
- VPS Grade 5–7
- Executive Officer 1–3
- Forensic Officer 1–3
- Forensic Officer 4–7
- Contractor
- Other
- Prefer not to answer

Which of the following best describes your current work location?

This is where you spend most of your working time. If your exact location is not in this list, please choose the closest one.

- Melbourne CBD
- Melbourne – inner suburbs (from 1-25 km from the CBD)
- Melbourne – outer suburbs (from 26–50 km from the CBD)
- Larger regional city/town with a population of 20,000 or more (e.g., Geelong, Ballarat, Warragul, Mildura)
- Smaller regional or rural town with a population of under 20,000
- Other
- Prefer not to answer

Which best describes your current work location?

- Operational
- Non-operational
- Mixture of both
- Prefer not to answer

How many people are in your current, day-to-day work team?

These are people you work with and interact with on a daily / weekly basis

- Myself and one or two others
- 4-7 including myself
- 8-12 including myself
- 13-20 including myself
- 21-30 including myself
- 31-50 including myself
- More than 50 including myself
- Prefer not to answer

In your current, day-to-day work team, which best describes its gender composition?

- All or nearly all female
- More females than males
- About equal numbers
- More males than females
- All or nearly all males
- Prefer not to answer

Did you participate in the Phase 1 Survey that VEOHRC conducted in 2015?

- Yes
- No
- Don't know / unsure
- Prefer not to answer

More about you

Your answers to these questions will help us better understand the impact of sex discrimination and sexual harassment on particular cohorts within Victoria Police.

What is your age range?

- 18–24 years
- 25–34 years
- 35–44 years
- 45–54 years
- 55–64 years
- 65 or more years
- Prefer not to answer

Which do you identify as?

- Aboriginal
- Torres Strait Islander
- Both Aboriginal and Torres Strait Islander
- None of the above
- Prefer not to answer

Do you have a disability?

Under Victoria's Equal Opportunity Act, disability includes any permanent or temporary condition, disease, disorder, impairment, injury or illness that affects you physically, intellectually, mentally or psychologically.

- Yes
- No
- Prefer not to answer

Do you describe yourself as coming from a culturally, ethnically or linguistically diverse background?

- Yes
- No
- Prefer not to answer

What is your gender?

- Female
- Male
- Self-described: Please specify _____
- Prefer not to answer

What is your sexual orientation?

- Bisexual
- Gay
- Heterosexual
- Lesbian

- Self-described: Please specify_____
- Prefer not to answer

Are you trans or gender diverse, or do you have a trans history?

- Yes
- No
- Prefer not to answer

Were you born with a variation of sex characteristics (this is sometimes called intersex)?

- Yes
- No
- Prefer not to answer

The questions in this section and the next section ask about some of your personal experiences in your workplace or at work-related events. These questions relate to experiences since December 2015, when the first Independent Review report was released and Victoria Police accepted its recommendations.

None of the questions in these parts are compulsory, but it would help our work if you answered as many as you feel comfortable with.

Since December 2015, which of the following unwelcome behaviours have you experienced in the workplace or at a work-related event?

Select all that apply. None is at the end of the list.

- Unwelcome touching, hugging, cornering or kissing
- Staring or leering
- Sexual gestures, indecent exposure or display of the body
- Sexually suggestive comments or jokes that made you feel offended (in either a group or one on one situation)
- Sexually explicit pictures, posters or gifts
- Repeated or inappropriate invitations to go out on dates
- Unwelcome questions or comments about your private life (including relationships) or body (including your physical appearance or features)
- Sexually explicit emails or text messages
- Sexually explicit posts or messages on social media (including Facebook, Instagram, Snapchat and Twitter)
- Repeated or inappropriate advances on email, social networking websites or internet chat rooms by a colleague
- Unwelcome physical contact
- Requests or pressure for sex or other sexual acts
- Rape or sexual assault
- Attempted rape or sexual assault
- Predatory behaviour (for example, someone misusing their authority or position to manipulate circumstances or people to gain sexual or other personal gratification for themselves or others)
- Any other unwelcome conduct of a sexual nature: Please specify_____
- None. I have not experienced any of the above

Experience of sexual harassment

The questions in this section ask about some of your personal experiences in your workplace or at work-related events. These questions relate to experiences since December 2015, when the first Independent Review report was released and Victoria Police accepted its recommendations.

None of the questions in these parts are compulsory, but it would help our work if you answered as many as you feel comfortable with.

The following questions ask about the circumstances surrounding this unwelcome behaviour. We note that some survey participants will have experienced multiple instances or different types of unwelcome behaviour.

For the purpose of this survey, please answer in relation to the experience that was most significant experience to you. You can contact the Commission if there is anything further about your experiences that you'd like to discuss with us.

What do you think the unwelcome behaviour was mainly related to?

Select all that apply

- My gender
- My intersex status
- My sexual orientation
- My trans status
- Other: Please specify _____

Over what time period did the behaviour occur?

- It was one-off
- Less than 1 month
- 1 to 3 months
- 4 to 6 months
- 7 to 12 months
- More than 1 year
- Ongoing (continuous)
- Sporadic (comes and goes)
- Other: Please specify _____

Where did the behaviour occur?

Select all that apply

- In your current workplace
- In another Victoria Police workplace
- While on patrol, in the field or in a work vehicle
- At a Victoria Police training venue (for example, the Academy or Airlie)
- At a non-Victoria Police training venue
- At a Justice or Corrections venue
- At an external conference
- At a social event with colleagues held at a location not listed above, for example, a cinema, restaurant, or someone's home
- Somewhere else: Please specify _____

Thinking about the location where the behaviour occurred, which best describes the gender composition at that time?

- All or nearly all female
- More females than males
- About equal numbers
- More males than females
- All or nearly all males
- Don't know / hard to assess

Which best describes the relationship between yourself and the person(s) who acted this way towards you?

Select all that apply

- A colleague in my work unit
- A colleague from a different work unit
- My immediate manager or supervisor
- A manager more senior than my immediate manager or supervisor and in my chain of command
- A member of Command, Executive Command or another senior leader outside my chain of command

What was the gender of the person who behaved this way towards you?

If it was a group of people, select the main gender of the group

- Female
- Male
- Other: Please specify _____

If there is anything you would like to tell VEOHRC about how the unwelcome behaviour made you feel, please enter here.

How did you respond to the unwelcome behaviour?

Select all that apply. This question has been made compulsory because it determines the follow up questions you see.

- I did nothing
- I confronted the person / people involved and told them that their behaviour was unwelcome
- I tried to avoid this person / people involved
- I kept a record of the behaviour
- I discussed the behaviour with someone in Victoria Police
- I formally reported / complained about the behaviour or accessed a support service
- I requested a transfer to avoid further contact with this person / people involved
- I thought about leaving Victoria Police due to the behaviour
- Other: Please specify _____

Formal reporting / complaint

Why did you NOT make a formal report or complaint about the unwelcome behaviour?

Select all that apply

- I didn't know who to talk to or how to make a complaint
- I was advised not to by family or friend(s)
- I was advised not to by a colleague(s)
- I didn't need to because I made the unwelcome behaviour stop
- I didn't need to because I no longer had contact with the person(s) involved
- I didn't think it would make a difference
- I believed there would be negative consequences for my career (for example, opportunities for promotion, risk of being fired)
- I believed there would be negative consequences for my reputation (for example, that I would be blamed or not believed or thought to be over-reacting)
- I believed there would be negative consequences for the person I was going to complain about
- Other: Please specify _____

Who did you discuss the unwelcome behaviour with in Victoria Police?

Select all that apply

- Colleague
- Immediate supervisor
- A manager who is more senior than my immediate supervisor
- Human Resource Department
- OneLink
- Professional Standards Command
- Safe Space
- Taskforce Salus
- Welfare Services (including Peer Support)
- Other: Please specify _____

Who did you make a formal report or complaint to about the unwelcome behaviour?

Select all that apply

- My immediate supervisor or a manager in my unit
- Human Resource Department (including Workplace Standards)
- Professional Standards Command
- Independent Broad-based Anti-corruption Commission
- Victorian Equal Opportunity and Human Rights Commission
- Victorian Ombudsman
- Australian Human Rights Commission
- Other: Please specify _____

Why did you make a formal report or complaint about the unwelcome behaviour?

Select all that apply

- I was advised to by family or friend(s)
- I was advised to by a colleague(s)
- I was advised to by my manager or supervisor
- I hoped it would stop the unwelcome behaviour
- I wanted to help protect others by calling out unwelcome behaviour
- I felt like it was the right thing to do
- I felt it was important for Victoria Police to be aware of the behaviour
- I felt empowered to by the implementation of initiatives and campaigns such as Taskforce Salus, OneLink, Safe Space and Stand
- I felt empowered to because of the Victorian Equal Opportunity and Human Rights Commission's Independent Review
- I trusted Victoria Police to take it seriously
- Other: Please specify _____

Approximately how long did the complaints process take, from when it was first reported to being notified of the outcome?

- Less than 3 months
- 3 to 6 months
- 7 to 12 months
- 13 to 18 months
- The complaint has not been finalised
- Other: Please specify _____

What were the consequences, if any, for you in making a complaint?

Select all that apply

- The behaviour(s) stopped
- My duties, roster or location was changed in a way that was beneficial to me
- My duties, roster or location was changed in a way that was detrimental to me
- I received an apology from the person / people involved
- I received an apology from Victoria Police
- I received positive feedback for making the complaint
- I received financial compensation from Victoria Police
- I was explicitly instructed not to proceed with the complaint:
Please specify _____
- I was pressured not to take action
- I was excluded or ignored by colleagues
- I was bullied or victimised in other ways by colleagues:
Please specify _____
- I was demoted
- I was denied training or promotion
- I experienced other negative consequences: Please specify _____
- Other: Please specify _____
- None
- Don't know / unsure / too early to tell

After you reported the behaviour, what were you told in terms of follow-up action?

- I was told about the follow up action that was or will be taken
- I was told that follow-up action was or will be taken but I don't know what it was / will be
- I was not told about follow up action
- Other: Please specify _____

Which of the following happened to the person/people involved as a consequence of you reporting their behaviour?

Select all that apply

- They were spoken to by a manager or supervisor
- They were formally warned by a manager or supervisor
- They were formally warned by HRD or PSC
- They were disciplined
- They were dismissed
- They received criminal charges
- They were transferred to another work unit
- Their duties or roster was changed
- They were demoted
- They were denied training or promotion
- They experienced other negative consequences: Please specify _____
- They resigned or retired
- They paid me compensation
- They were excluded by colleagues
- They were supported by colleagues
- There were positive consequences for them (for example, they were transferred to a better job):
Please specify _____
- There were no consequences for them
- Other: Please specify _____
- Don't know / not sure too early to tell

How would you rate the effectiveness of the reporting / complaints process?

- Not at all effective
- Somewhat effective
- Moderately effective
- Very effective
- Extremely effective
- Don't know / unsure / too early to tell

How long did it take to resolve the matter?

- Way too long
- Too long
- About what I expected
- Too short
- Way too short
- Don't know / unsure / too early to tell

How much were your expectations met in the reporting / complaints process?

Think about what you expected to happen compared with what did happen

- Not at all met
- Met somewhat
- Met a lot
- Met completely
- Expectations exceeded
- Don't know / unsure / too early to tell

How would you describe Victoria Police's response to your report / complaint of the unwelcome behaviour?

Witnessing sexual harassment

Since December 2015, which of the following unwelcome behaviour(s) from one Victoria Police employee to another Victoria Police employee have you personally witnessed?

Select all that apply. None is at the end of the list.

- Unwelcome touching, hugging, cornering or kissing
- Staring or leering
- Sexual gestures, indecent exposure or display of the body
- Sexually suggestive comments or jokes (in either a group or one on one situation)
- Sexually explicit pictures, posters or gifts
- Repeated or inappropriate invitations to go out on dates
- Questions or comments about someone's private life (including relationships) or body (including your physical appearance or features)
- Sexually explicit emails or text messages
- Sexually explicit posts or messages on social media (including Facebook, Instagram, Snapchat and Twitter)
- Repeated or inappropriate advances on email, social networking websites or internet chat rooms
- Unwelcome physical contact

- Requests or pressure for sex or other sexual acts
- Rape or sexual assault
- Attempted rape or sexual assault
- Predatory behaviour (for example, someone misusing their authority or position to manipulate circumstances or people to gain sexual or other personal gratification for themselves or others)
- Other: Please specify _____
- None of the above

Where did the behaviour you personally witnessed occur?

Select all that apply

- In your current workplace
- In another Victoria Police workplace
- While on patrol, in the field or in a work vehicle
- At a Victoria Police training venue (for example, the Academy or Airlie)
- At a non-Victoria Police training venue
- At a Justice or Corrections venue
- At an external conference
- At a social event with colleagues held at a location not listed above, for example, a cinema, restaurant, or someone's home
- Somewhere else: Please specify _____

Thinking about the location where the behaviour occurred, which best describes the gender composition at that time?

- All or nearly all female
- More females than males
- About equal numbers
- More males than females
- All or nearly all males
- Don't know / hard to assess

What did you do after witnessing or being told about the behaviour(s)?

Select all that apply

- I confronted the person(s) who engaged in the behaviour(s)
- I talked or listened to the target(s)
- I offered advice to the target(s)
- I talked about it with other colleagues
- I talked about it at a meeting with colleagues and/or superiors
- I tried to separate the target(s) from the person(s) engaging in the behaviour(s)
- I encouraged the target(s) to report the behaviour(s)
- I reported the incident(s)
- I supported the target(s) when they reported the behaviour(s)
- Other: Please specify _____
- I did not take any action

What were the consequences for you in taking any of the above actions?

Select all that apply

- The behaviour(s) stopped
- My duties, roster or location was changed in a way that was beneficial to me
- My duties, roster or location was changed in a way that was detrimental to me
- I was criticised for taking action
- I was excluded or ignored by colleagues
- I was bullied or victimised in other ways by colleagues: Please specify_____
- I was demoted
- I was denied training or promotion
- I experienced other negative consequences: Please specify_____
- Other: Please specify_____
- None. There were no consequences for me
- Don't know / unsure / too early to tell

If you experienced or witnessed sexual harassment during your work at Victoria Police, how likely are you to report it to Victoria Police?

- Definitely would not
- Probably would not
- Might or might not
- Probably would
- Definitely would

If you experienced or witnessed sexual harassment during your work at Victoria Police, how likely are you to report it to an external agency such as IBAC or VEOHRC?

- Definitely would not
- Probably would not
- Might or might not
- Probably would
- Definitely would

If you experienced or witnessed sex discrimination during your work at Victoria Police, how likely are you to report it to Victoria Police?

- Definitely would not
- Probably would not
- Might or might not
- Probably would
- Definitely would

If you experienced or witnessed sex discrimination during your work at Victoria Police, how likely are you to report it to an external agency such as IBAC or VEOHRC?

- Definitely would not
- Probably would not
- Might or might not

- Probably would
- Definitely would

If there is anything else you would like to tell us about witnessing or being told about unwelcome sexual behaviour(s) happening to someone else, please enter here.

Sex discrimination

The following questions ask about unfavourable treatment related to your gender, sex or sexual orientation. These questions relate to experiences since December 2015, when the first Independent Review report was released and Victoria Police accepted its recommendations.

Since December 2015, which of the following, if any, do you believe have occurred, indicating that you have been treated unfavourably in your workplace?

Select all that apply

- Not receiving a promotion
- Not receiving progression
- Not receiving a transfer
- Not being considered for training or educational opportunities
- Receiving a different rate of pay for performing the same role (e.g., two Analysts at the same classification)
- Receiving a different rate of pay for performing a role with the same job functions (e.g., two employees who have different job titles but do similar or the same work)
- Receiving different job benefits for performing the same role
- Receiving different job benefits for performing a role with the same job functions
- Being given different tasks to other employees who perform the same role
- Being given different tasks to other employees who have the same job functions
- Other: Please specify _____
- None. I have not been treated unfavourably with regard to any of the above.

We note that some survey participants will have experienced multiple instances or different types of unfavourable treatment.

For the purpose of this survey, please answer in relation to the experience that was most significant to you. You can contact the Commission if there is anything further about your experiences that you'd like to discuss with us.

What do you think the unfavourable treatment was mainly related to?

Select all that apply

- My carer or parental responsibilities
- My gender
- My intersex status

- My pregnancy
- My sexual orientation
- My trans status
- Other: Please specify _____

If there are any additional details you would like to add about the circumstances in which the unfavourable treatment occurred, please enter here.

If there is anything you would like to tell us about how the unfavourable treatment affected you, please enter here.

Otherwise, leave blank.

Your views

The following questions ask about your attitudes relating to sexual harassment and sex discrimination.

Note: Sex discrimination includes discrimination on the basis of gender, intersex status, sexual orientation or trans status within Victoria Police.

Sexual harassment includes sexually suggestive comments or invasive questions, as well as sexual assault and predatory behaviour.

How safe from sexual harassment are you in your workplace?

- Not at all safe
- Slightly safe
- Moderately safe
- Very safe
- Extremely safe
- Don't know / unsure

How safe from sex discrimination are you in your workplace?

- Not at all safe
- Slightly safe
- Moderately safe
- Very safe
- Extremely safe
- Don't know / unsure

How respected do you feel in your workplace?

- Not at all respected
- Slightly respected
- Moderately respected
- Very respected
- Extremely respected
- Don't know / unsure

How much has your manager or supervisor supported you in accessing flexible working arrangements?

- Not at all
- A little
- A moderate amount
- A lot
- A great deal
- Don't know / unsure
- Not applicable / not interested

How much has your manager or supervisor supported you in taking parental leave?

- Not at all
- A little
- A moderate amount
- A lot
- A great deal
- Don't know / unsure
- Not applicable

How much has your location affected your access to professional training and development programs?

- Not at all
- A little
- A moderate amount
- A lot
- A great deal
- Don't know / unsure
- Varies over time and/or location

How much has your work pattern affected your access to professional training and development programs?

Work pattern includes flexible or part-time working arrangements

- Not at all
- A little
- A moderate amount
- A lot

- A great deal
- Don't know / unsure
- Varies over time and/or location

Which of the following factors, if any, would stop you from applying for a transfer, promotion or different position?

- My carer or parental responsibilities
- My gender
- My intersex status
- My location
- My pregnancy
- My sexual orientation
- My trans status
- My work pattern (for example, flexible or part time working arrangement)
- I've been told by a colleague that I likely wouldn't be successful
- I've been told by my manager or supervisor that I likely wouldn't be successful
- I've been told by someone more senior than my manager or supervisor that I likely wouldn't be successful
- Other: Please specify _____
- None. Nothing would prevent me from considering applying for a transfer.
- Not applicable. I am not currently considering a transfer, promotion or different position

How necessary are Victoria Police's reforms towards gender equality?

- Not at all
- A little
- A moderate amount
- A lot
- A great deal
- Don't know / unsure

How protected from negative consequences are Victoria Police employees who report sexual harassment?

- Not at all protected
- Somewhat protected
- Moderately protected
- Very protected
- Extremely protected
- Don't know / unsure

How protected from negative consequences are Victoria Police employees who report sex discrimination?

- Not at all protected
- Somewhat protected
- Moderately protected
- Very protected

- Extremely protected
- Don't know / unsure

How accountable are senior leaders in Victoria Police for sexual harassment?

- Not at all accountable
- Somewhat accountable
- Moderately accountable
- Very accountable
- Extremely accountable
- Don't know / unsure

How accountable are senior leaders in Victoria Police for sex discrimination?

- Not at all accountable
- Somewhat accountable
- Moderately accountable
- Very accountable
- Extremely accountable
- Don't know / unsure

If there is anything else you would like to tell us, please take this opportunity.

Thank you for participating in our survey. Your contribution is very important to us.

If you want to enquire about or make a formal complaint about sexual harassment or sex discrimination, please contact the Victorian Equal Opportunity and Human Rights Commission.

Telephone: 1300 292 153 or (03) 9032 3583

Email: complaints@veohrc.vic.gov.au

Website: humanrightscommission.vic.gov.au

Please [click here](#) if you would like more information about support contacts.

Appendix E. List of acronyms

CEDAW	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
GESAP	<i>Gender Equality Strategy and Action Plan 2017–2020</i>
IBAC	Independent Broad-based Anti-corruption Commission
LGBTI	Lesbian, gay, bisexual, transgender and intersex
PCOs	Police Custody Officers
PSOs	Protective Services Officers
VPS	Victorian Public Service

Contact us

Enquiry Line	1300 292 153 or (03) 9032 3583
Fax	1300 891 858
Hearing impaired (TTY)	1300 289 621
Interpreters	1300 152 494
Email	enquiries@veohrc.vic.gov.au
Follow us on Twitter	twitter.com/VEOHRC
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humanrightscommission.vic.gov.au