

INDEPENDENT REVIEW
into sex discrimination and sexual harassment,
including predatory behaviour, in Victoria Police
Phase 3 audit and review

Executive summary



Victorian Equal Opportunity
& Human Rights Commission

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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, keys 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 toward 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 toward 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 toward 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.



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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 whom 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.

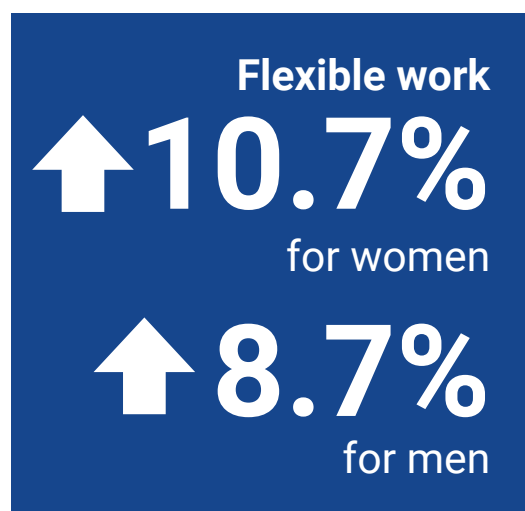


Despite these recognised benefits, in 2015, the Commission found a lack of workplace flexibility across Victoria Police. We determined that this was driven by an entrenched perception that 'good cops' work full-time, the absence of a clear organisational policy on flexible work, inadequate guidance for 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.

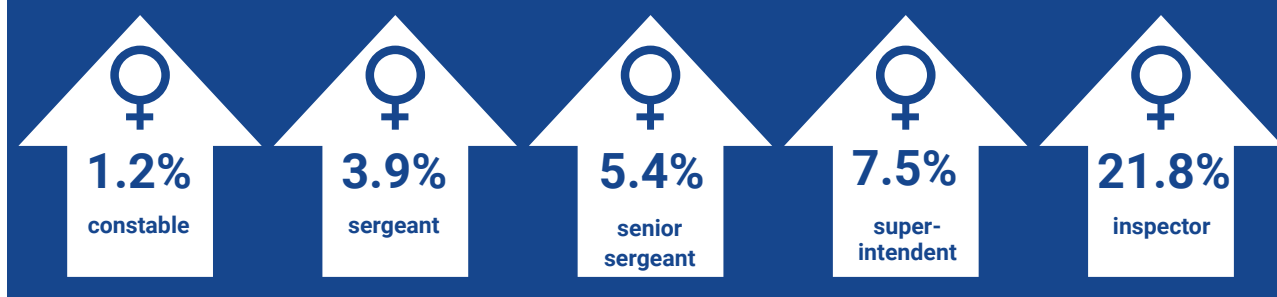
The organisation had developed a clear statement about the purpose, rationale and actions to achieve its 50/50 promotion strategy, but had not communicated it widely. This had contributed to misunderstanding of the strategy and significant backlash against women's promotions, with widespread perceptions 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 toward 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 toward 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 toward 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 toward 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.

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