

**Victorian Government
response to the
Ministerial Taskforce on
Workplace Sexual
Harassment**

INTRODUCTION

On 8 March 2021, the Victorian Government announced the establishment of the Ministerial Taskforce on Workplace Sexual harassment (the Taskforce) to develop reforms that will better prevent and respond to sexual harassment in workplaces.

The Minister for Workplace Safety, Ingrid Stitt MP, asked the Taskforce to consider ways to strengthen the occupational health and safety framework to address workplace sexual harassment, clarify employer obligations to boost accountability, encourage and support workers to speak up, and prevent the misuse of non-disclosure agreements in workplace sexual harassment matters.

The Taskforce was Co-Chaired by the Parliamentary Secretary for Workplace Safety, Bronwyn Halfpenny MP and Liberty Sanger, the Chair of the Equal Workplaces Advisory Council and experienced workplace injury lawyer.

The Taskforce included members from a broad cross-section of industry and community representatives including union and employer representatives, legal representatives and advocates of groups disproportionately affected by sexual harassment.

The Taskforce held eight meetings between 3 May and 18 October 2021 to discuss reform options based on four reform pillars adapted from the Australian Human Rights Commission's (AHRC) Respect@Work: Sexual Harassment National Inquiry Report (2020) (Respect@Work Report).

These reform pillars were:

- preventing sexual harassment from occurring
- supporting workers to report sexual harassment
- enforcing compliance when there is a breach of health and safety duties
- raising awareness and promoting accountability in workplaces across Victoria.

The Department of Justice and Community Safety (DJCS) also ran a public consultation on workplace sexual harassment reform through the Engage Victoria platform from 25 June to 9 August 2021.

The Taskforce made 26 recommendations across each reform pillar. Key themes from the recommendations are that work-related gendered violence and workplace sexual harassment should be treated as an occupational health and safety (OHS) issue and that WorkSafe takes a lead role in prevention and response.

The Minister for Workplace Safety would like to thank the Taskforce for their significant work in developing these recommendations, and to all those organisations and individuals who made consultation submissions, especially victim-survivors.

DEFINITIONS

The *Equal Opportunity Act 2010* (EO Act) defines sexual harassment as unwelcome sexual advances, unwelcome requests for sexual favours or unwelcome conduct of a sexual nature that causes a person to feel offended, humiliated or intimidated, where a reasonable person would have anticipated the person would be offended, humiliated or intimidated in all the circumstances. Employers have a positive duty under the EO Act not to engage in discrimination or sexual harassment, and to take reasonable steps to eliminate these behaviours.

Work-related gendered violence is 'any behaviour, directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety'.

Workplace sexual harassment is a form of gendered violence. The deep-seated social norms, structures, attitudes and practices that drive gendered violence are the same drivers that enable sexual harassment in different settings, including the workplace.

Work-related sexual harassment is sexual harassment (as described above) directed at a person, that can happen at work, work related events, or between people sharing the same workplace. Work-related sexual harassment isn't always obvious, repeated or continuous.

These definitions of sexual harassment and gendered violence are used under the *Occupational Health and Safety Act 2004* (OHS Act) framework. Under the OHS Act employers must identify risks to the health of their employees, including in relation to psychological health hazards, like sexual harassment.

Where a risk is identified, employers must eliminate the risk, so far as is reasonably practicable. When elimination is not possible, they must reduce the risk so far as reasonably practicable. Employers also have an obligation to consult, so far as is reasonably practicable, with employees about identifying and assessing hazards or risks and the measures to be taken to control these risks.

THE VICTORIAN GOVERNMENT RESPONSE

The Victorian Government agrees with the Taskforce that work-related gendered violence and workplace sexual harassment is treated as an OHS issue. The Government has considered the Taskforce’s 26 recommendations and:

- accepts 12 recommendations
- accepts in-part two recommendations
- accepts in-principle seven recommendations
- notes one recommendation
- considers four recommendations require further consideration.

The Taskforce’s recommendations and the Government’s Response is set out below.

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
1.	<p>The Taskforce recommends that:</p> <ul style="list-style-type: none"> • work-related gendered violence and workplace sexual harassment is treated as an occupational health and safety (OHS) issue; and • WorkSafe takes a lead role in the prevention of, and response to, workplace gendered violence and sexual harassment (including through its existing OHS enforcement functions). <p>WorkSafe should draw on the experience of VEOHRC and other agencies to strengthen its role in addressing workplace sexual harassment.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports treating work-related gendered violence and workplace sexual harassment as OHS issues, and increasing WorkSafe’s capacity to take a lead role in preventing and responding to these issues as Victoria’s OHS regulator.</p> <p>WorkSafe will enhance its role by implementing agreed Taskforce recommendations.</p> <p>The Victorian Government also notes that employers and key agencies such as VEOHRC, Respect Victoria and Victoria Police have critical roles in preventing and responding to workplace sexual harassment.</p> <p>The Victorian Government supports this broad approach, which enables victim survivors to choose how they engage with different agencies or departments and receive the appropriate support, information and advice on their options, the roles, responsibilities and approaches of each organisation.</p>

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2.	<p>The Taskforce recommends that, in implementing the Taskforce’s recommendations, the Victorian Government specifically target high-risk industries and population groups who are disproportionately affected by work-related gendered violence and sexual harassment.</p> <p>This includes addressing the barriers faced by these groups (such as women in insecure work) and developing strategies and protections to encourage reporting.</p> <p>The Taskforce also recommends that WorkSafe develop an implementation strategy for recommendations that target actions and initiatives to high-risk industries and groups. This includes addressing barriers, such as making resources accessible to marginalised groups, including people of CALD backgrounds and with disability.</p> <p>The implementation strategy should be developed within 6 months of acceptance of the Taskforce’s recommendations.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports the efficient use of WorkSafe and other agency resources to focus on high-risk industries/sectors and priority cohorts.</p> <p>WorkSafe will develop an implementation strategy that will consider the intersection of other planned initiatives such as:</p> <ul style="list-style-type: none"> • the introduction of psychological health regulations, • current focus on high-risk industries within WorkSafe’s Mental Health Strategy, and • the growth of WorkSafe’s multicultural engagement capabilities.
3.	<p>The Taskforce recommends that the Victorian Government:</p> <ul style="list-style-type: none"> • advocate for the Commonwealth to implement all 55 recommendations from Respect@Work Report; and • implement any recommendations applicable to Victoria (that are not already incorporated in the Taskforce’s recommendations). 	<p><u>Accepted</u></p> <p>The Victorian Government welcomes the Respect@Work Report and supports implementation of its recommendations.</p> <p>Victoria has provided its response to the Commonwealth regarding recommendations that relate to its jurisdiction and confirmed its support for the Respect@Work Report.</p> <p>Victoria is on track to implement all recommendations relevant to its jurisdiction that are not tied to intergovernmental forums for consideration.</p> <p>Victoria will continue to advocate to the Commonwealth for remaining Respect@Work recommendations to be implemented.</p>

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4.	<p>The Taskforce recommends WorkSafe expand the WorkWell program to include a dedicated project stream for preventing work-related gendered violence and workplace sexual harassment (especially in high-risk industries).</p> <p>In expanding the WorkWell program, WorkSafe should:</p> <ul style="list-style-type: none"> • partner with key industry representatives (including small, medium and large industry representatives) and unions • use multi-pronged interventions, targeted specifically at addressing gendered violence as a driver of workplace sexual harassment • create practical and accessible tools that employers can use to prevent work-related gendered violence and sexual harassment in their industry, that are also adaptable to small and medium enterprises (SMEs) and available in different languages (this could include a checklist or an online hub for businesses, to simplify the complex regulatory framework) • establish a ‘Workplace Sexual Harassment Learning Network’, where a Chair organisation brings together workplaces and a consortium of partners such as mental health, sexual assault services and OHS experts and employer and employee groups to advise and share insights on work-related gendered violence and workplace sexual harassment interventions • fund specific sexual harassment projects under the WorkWell Mental Health Improvement Fund to be delivered by employers, unions and industry groups • address the needs of victim-survivors and bystanders in groups who are disproportionately affected by work-related gendered violence and sexual harassment through partnering with community organisations, unions and other services, such as the Migrant Workers Centre, to develop WorkWell resources and projects. <p>The expansion of the WorkWell program should be in place within 12 months of acceptance of the Taskforce’s recommendations.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports expanding the successful WorkWell program as it will provide employers with practical tools to assist them with preventing sexual harassment in the workplace, that extend beyond existing guidelines.</p> <p>Expanding WorkWell also presents an opportunity for greater collaboration and research into sexual harassment in high-risk workplaces.</p> <p>The Victorian Government has provided \$6.9 million over three years to WorkSafe for the expansion of WorkWell, comprising of:</p> <ul style="list-style-type: none"> • \$5.1 million to include a dedicated project stream for preventing workplace sexual harassment • \$1.8 million for resourcing to support the expanded WorkWell program.

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5.	<p>The Taskforce recommends WorkSafe strengthen its existing guidance on gendered violence, including sexual harassment, by converting them into a Work-related Gendered Violence and Sexual Harassment Compliance Code. This approach is consistent with Respect@Work recommendation 35. The Compliance Code should:</p> <ul style="list-style-type: none"> • be consistent with VEOHRC’s sexual harassment guidelines • apply to all workers, including those in insecure work • apply to businesses regardless of sizes • be adaptable for small businesses • include guidance for Health and Safety Representatives (HSRs) and the use of their powers (including a set of questions to ask as part of regular risk assessments), aligned to the accredited HSR Refresher Training Course - Work-related gendered violence including sexual harassment • be informed by Safe Work Australia’s sexual harassment guidelines • include guidance on best practice internal reporting and complaints handling (from victims and bystanders) for employers, including requirements for employers to report the outcome of investigations to victim-survivors of sexual harassment • use gender-inclusive language, recognising there are more than two genders • include information to help employers address the underlying causes of sexual harassment through standard operating procedures, communications to staff, frequency of training, etc. • include trauma-informed and best practice advice on: workplace investigations (including the required certification/training level of independent investigators), processes for anonymous complaints, and timeframes for responses to complainants • be developed through WorkSafe’s advisory committees and in consultation with WorkSafe Inspectors – to ensure it can be successfully operationalised. <p>The Compliance Code should be issued within 12 months of acceptance of the Taskforce’s recommendations.</p>	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports strengthening WorkSafe’s existing guidance on workplace sexual harassment.</p> <p>WorkSafe will strengthen its existing guidance on gendered violence, including sexual harassment, through the introduction of a psychological health Compliance Code to support the introduction of the upcoming psychological health regulations (see recommendation 13).</p> <p>The Compliance Code will provide further guidance for duty holders on how to meet their obligations under the OHS Act and the psychological health regulations, including those relating to workplace sexual harassment.</p> <p>WorkSafe is also undertaking a comprehensive review of its suite of psychological health guidance. As part of this review, WorkSafe will work with and consult key stakeholders.</p>

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6.	<p>The Taskforce recommends WorkSafe lead the development and implementation of industry-specific guidelines that support the Work-related Gendered Violence and Sexual Harassment Compliance Code, in partnership with VEOHRC, employer groups and unions.</p> <p>When developing industry-specific guidelines, WorkSafe should also collaborate with micro and small business associations, local councils, and business associations (including ethnic and LGBTIQ+ business associations).</p> <p>Industry specific guidelines should be developed, following the finalisation of the Work-related Gendered Violence and Sexual Harassment Compliance Code, that will apply to all industries.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports industry-specific guidelines to support employers in preventing sexual harassment in workplaces, following the introduction of the psychological health Compliance Code.</p> <p>WorkSafe and VEOHRC will work collaboratively to produce industry-specific guidelines to clearly inform employers how to prevent sexual harassment consistently with their obligations under the OHS Act and the EO Act.</p> <p>WorkSafe is also undertaking a comprehensive review of its suite of psychological health guidance. As part of this review, WorkSafe will work with and consult key stakeholders.</p>
7.	<p>The Taskforce recommends that WorkSafe and VEOHRC jointly conduct a review into their prevention activities, with a view to building on the existing Memorandum of Understanding (MOU) between the two regulators and increasing WorkSafe’s role in prevention.</p> <p>WorkSafe and VEOHRC should review:</p> <ul style="list-style-type: none"> • prevention activities that are undertaken by both regulators • information available to workers about the roles of WorkSafe and VEOHRC in regulating work-related gendered violence and workplace sexual harassment. • guidance to employers (to ensure consistent messaging that is accessible, victim-centric, culturally safe and inclusive). • data collection and information sharing that has occurred under the MOU – to inform targeting of prevention efforts. <p>The review should consult with unions and industry groups and report jointly to the Attorney-General and Minister for Workplace Safety and be completed within 3 months of acceptance of the Taskforce’s recommendation.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports a review into prevention activities conducted by WorkSafe and VEOHRC in relation to workplace sexual harassment.</p> <p>VEOHRC is well placed to support WorkSafe in consulting with stakeholders and leveraging its networks and relationships to conduct a joint review into the two regulators’ prevention activities.</p> <p>WorkSafe and VEOHRC will work on the appropriate timing of the review, in the context of current reforms, including the introduction of the psychological health regulations and public awareness campaigns.</p>

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8.	<p>The Taskforce recommends that the Victorian Government review the application of the Social Procurement Framework, state licensing requirements and grants guidelines to ensure businesses that receive public funds meet the standards around occupational health and safety regarding work-related gendered violence and workplace sexual harassment.</p> <p>The Review should:</p> <ul style="list-style-type: none"> • consult with unions and industry groups • consider what standards for addressing sexual harassment should apply to businesses • consider how these standards are monitored and enforced, including penalties and cancellation of contracts and licences, and ensuring the requirements cannot be sub-contracted out of. 	<p><u>Accepted in-part</u></p> <p>The Victorian Government supports using government levers and building on gender equality procurement requirements to form part of a whole of government strategy to reduce risk of workplace sexual harassment.</p> <p>Section 49 of the <i>Gender Equality Act 2020</i> provides a lever to issue procurement guidelines in relation to the allocation of funding or grants.</p>
9.	<p>In alignment with Respect@Work recommendation 49, the Victorian Government establishes a Working Women’s Centre (WWC) in Victoria to provide advocacy and support to victim-survivors and bystanders of workplace gendered violence and sexual harassment.</p> <p>The Centre should:</p> <ul style="list-style-type: none"> • explicitly include and provide support to non-binary and gender diverse people in addition to women and recognise the intersectionality of gender with other forms of discrimination • partner with community-based groups to research community specific issues and develop education materials • develop training materials with WorkSafe for employers informed by the WorkWell toolkit • provide confidential information, legal assistance and/or referrals, including to specialist services for groups who are disproportionately affected by work-related gendered violence and sexual harassment – including workers with disability, LGBTIQ+, CALD, Aboriginal and Torres Strait Islander, young workers and workers in insecure work • employ workers that have relevant expertise and reflect the diversity of the community • support victims and bystanders to navigate reporting options, including by giving advice on how to make reports (e.g. to their employer or WorkSafe) and how to access relevant supports and referrals 	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports services that provide advocacy and support to victim-survivors and bystanders of workplace gendered violence and sexual harassment.</p> <p>The Victorian Government will consider options for establishing a WWC in Victoria, in the context of the current support services available in Victoria and the national response to the Respect@Work Report.</p>

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	<ul style="list-style-type: none"> participate in law reform and policy development and be included in the development of the Compliance Code receive funding from the Victorian Government to undertake strategic litigation related to working women's issues, including workplace sexual harassment. 	
10.	<p>The Taskforce recommends the Victorian Government introduce legislative amendments to restrict the use of NDAs in relation to workplace sexual harassment cases in Victoria, using the Irish Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021 and lessons from other jurisdictions (i.e. the United Kingdom and United States) as the model for reform.</p>	<p><u>Accepted in-principle</u></p> <p>The Victorian Government accepts this recommendation in principle, noting the complexity of NDAs and the significant further work required before any legislative amendments are made to regulate NDAs.</p> <p>The Victorian Government supports undertaking further work on appropriate options for restricting the use of NDAs in workplace sexual harassment cases.</p>
11.	<p>The Taskforce recommends the Victorian Government implement legislative amendments to enable workers and unions to initiate civil remedy proceedings for breaches of the OHS Act, including the creation of a Costs Fund for such claims.</p> <p>The Taskforce also recommends the Victorian Government amend the EO Act and the <i>Victorian Civil and Administrative Tribunal Act 1998</i> to allow for unions to commence representative claims on behalf of members, including in relation to the enforcement of the positive duty.</p> <p>The Victorian Government should amend relevant regulations to ensure that designated entities are required to include mandatory clauses in their enterprise agreements that align with the requirements in the <i>Gender Equality Act 2020</i>, and to implement a sexual harassment plan.</p>	<p><u>Noted</u></p> <p>The Victorian Government notes that these recommendations extend beyond workplace sexual harassment and require significant consideration.</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
12.	<p>The Taskforce recommends WorkSafe establish a specialised Gendered Violence and Workplace Sexual Harassment Inspectorate (new Inspectorate).</p> <p>The new Inspectorate should improve upon the capability and numbers/resourcing of WorkSafe’s current psychosocial inspectorate to respond to allegations of workplace gendered violence and sexual harassment, including by:</p> <ul style="list-style-type: none"> • providing regular training to inspectors, informed by and including the perspectives of victim-survivors and consistent with the accredited HSR Refresher Training Course - Work-related gendered violence including sexual harassment • engaging an independent expert (or experts) on workplace gendered violence and sexual harassment (including culturally safe practices) to advise on the training and capability uplift required for the new Inspectorate • increasing the diversity of the new Inspectorate, including increasing the number of female inspectors and members of groups who are disproportionately affected by work-related gendered violence and sexual harassment • developing guidance materials to support the new Inspectorate in advising employers to address risks of work-related gendered violence and sexual harassment (which may involve direct action to address problematic behaviour by individuals). <p>The Taskforce also recommends WorkSafe lead the development and implementation of a joint enforcement strategy with VEOHRC specific to workplace sexual harassment incidents (and increasing WorkSafe’s enforcement activity, including enforcing the existing prohibition on discrimination under s76 of the OHS Act relating to cases of workplace sexual harassment) to ensure a consistent and coordinated enforcement approach across the two regulators.</p>	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports increasing the capabilities and resourcing of WorkSafe’s psychosocial inspectorate.</p> <p>WorkSafe is currently undertaking a range of activities to increase capacity and capability of inspectors in relation to workplace sexual harassment. This includes:</p> <ul style="list-style-type: none"> • increasing specialist capability in mental health hazards (including workplace sexual harassment) by recruiting specialist organisational psychologists, • providing specific gendered violence and sexual harassment training to support multiple arms of the organisation (not just inspectors) and taking a more strategic approach to enforcement, and • undertaking work to consider how best to increase diversity of the inspectorate workforce. <p>The Victorian Government also supports the joint enforcement strategy between WorkSafe and VEOHRC.</p> <p>VEOHRC and WorkSafe will work together to develop a workplace sexual harassment enforcement strategy, that formally articulates the collaborative approach of jointly regulating workplace sexual harassment. This will be informed by the consultation and by outcomes of the prevention review (recommendation 7) and consider the differences in powers of right of entry and any limits on information sharing between WorkSafe and VEOHRC.</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
13.	<p>The Taskforce supports a new employer de-identified reporting requirement being introduced for psychological health hazards, including work-related gendered violence and sexual harassment, as part of the psychological health regulations under development.</p> <p>The Taskforce recommends the de-identified data on workplace sexual harassment should be used to inform WorkSafe’s targeted prevention and enforcement activities and this should be reported on publicly through WorkSafe’s annual reporting, to improve transparency (see Recommendation 19).</p> <p>Collection of de-identified data should not duplicate existing employer reporting requirements, such as those required by the Commonwealth Workplace Gender Equality Agency and the Victorian Commission for Gender Equality.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports using de-identified data on workplace sexual harassment to inform WorkSafe’s prevention and enforcement activities.</p> <p>Employer de-identified reporting requirements will be a component of the psychological health regulations being developed by WorkSafe.</p> <p>WorkSafe is also establishing an intelligence and insights capability aimed at better analysis and monitoring of mental health and gendered violence data (including sexual harassment).</p> <p>The Victoria Government notes that the development of the de-identified reporting under the psychological health regulations will build on the existing workplace sexual harassment data collected under the <i>Gender Equality Act 2020</i>.</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
14.	<p>The Taskforce recommends that, following the implementation of de-identified reporting (Recommendation 13) the Victorian Government introduce mandatory incident notifications (MINs) for workplace sexual harassment, as a second phase of employer reporting.</p> <p>The Victorian Government should consult with employers of all sizes, employer representative organisations, unions and women's organisations and organisations representing groups who are disproportionately affected by work-related gendered violence and sexual harassment before introducing MINs.</p> <p>This consultation should include consideration of:</p> <ul style="list-style-type: none"> • ways this can be a victim-centred response, including the need to ensure victim consent throughout the process • what additional capability and capacity would be required to ensure it is appropriate for WorkSafe to respond to mandatory reports • what response is expected of WorkSafe and how this would support victims • the need for legislative and regulatory change • any risk of unintended consequences. 	<p><u>For further consideration</u></p> <p>The Victorian Government considers that significant work is required before introducing legislative amendments that extend MINs to workplace sexual harassment.</p> <p>The introduction of de-identified reporting requirements (see recommendation 13) will provide a range of data and information that could be used to inform the need for MINs and the types of incidents that should be notifiable under a MIN scheme, in relation to workplace sexual harassment.</p>
15.	<p>The Victorian Government should advocate for the ability of a worker to bring a claim of sexual harassment to the Fair Work Commission for remedy.</p>	<p><u>For further consideration</u></p> <p>The Victorian Government considers that further work and consultation will be required in relation to advocating for remedies for sexual harassment matters under the Fair Work framework.</p> <p>The Victorian Government also notes that as of 11 November 2021, eligible workers can apply to the Fair Work Commission for orders to stop sexual harassment at work.</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
16.	The Victorian Government should consider extending industrial relations powers referred to the Commonwealth to bullying and sexual harassment matters, allowing public sector employees to apply for orders or seek other remedies at the Fair Work Commission.	<p><u>For further consideration</u></p> <p>The Victorian Government considers that further work and consultation will be required in relation to extending the industrial relations power to the Commonwealth, so that the <i>Fair Work Act 2009 (Cth)</i> covers the Victorian public sector in relation to bullying and sexual harassment matters.</p>
17.	That the Victorian government legislates to hold company directors and senior management liable for incidents of sexual harassment in circumstances where it is found that they have failed to meet their obligations under the EO Act to take proactive measures to address sexual harassment and under the OHS Act to create a safe workplace.	<p><u>For further consideration</u></p> <p>The Victorian Government notes that there are existing provisions in the OHS framework to hold company directors and senior management individually liable in certain circumstances.</p> <p>The Victorian Government considers further work is required to determine the appropriateness of any further legislative amendments.</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
18.	<p>The Taskforce recommends the Victorian Government delivers an ongoing communication campaign about compliance and enforcement with OHS Act employer duties in relation to workplace gendered violence and sexual harassment.</p> <p>The campaign should:</p> <ul style="list-style-type: none"> • continue to raise awareness of the important role of the OHS framework in the prevention of, and response to, workplace sexual harassment • strengthen understanding of the role of WorkSafe and HSRs • address unique risks within different industries • be communicated in a range of different languages and mediums to reach groups who are disproportionately affected by work-related gendered violence and sexual harassment • use a range of channels and media that are more likely to reach and meet the needs of groups who are disproportionately affected by work-related gendered violence and sexual harassment (such as migrants and refugees) • use best practice accessibility standards and meet the requirements of the <i>Disability Discrimination Act 1992 (Cth)</i> • be delivered inside Victorian workplaces (e.g. through targeted resources for employers) and outside workplaces (e.g. including through traditional and social media channels that have a demonstrated capacity to reach target audiences). <p>The campaign should be developed in consultation with experts, such as persons working with victim survivors, criminologists, psychologists, sociologists, unions, HSRs, employers and experts in accessibility and communication and be based on an evaluation of WorkSafe’s early 2021 campaign.</p> <p>The Reference Group (see Recommendation 26) should be consulted on the communication campaign.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports an ongoing communications campaign to raise awareness of the OHS framework and its role in preventing and responding to workplace sexual harassment.</p> <p>The Victorian Government notes WorkSafe has developed campaigns to raise public awareness of work-related gendered violence and sexual harassment as OHS issues, including:</p> <ul style="list-style-type: none"> • the work-related gendered violence campaign in 2022-23 that will accompany the delivery of the psychological health regulations. This campaign will seek to increase employers’ awareness of their OHS obligations to prevent gendered violence from occurring in the workplace and empower workers to take action, speak up and report the behaviour. • the “Let’s Be Very Clear” campaign, which ran from 9 March to 3 April 2021. This campaign raised awareness of what sexual harassment is to educate employers on their responsibilities and encourage workers to call out unacceptable behaviour. <p>Addressing workplace gendered violence and sexual harassment was also identified as a key cross-cutting priority for Respect Victoria’s work in 2021-22, which will be considered in the development of Respect Victoria’s campaigns.</p> <p>WorkSafe will continue to deliver and evaluate targeted awareness campaigns on work-related gendered violence, including work-related sexual harassment. Learnings will inform future iterations of these awareness campaigns.</p>

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19.	<p>The Taskforce recommends WorkSafe publish workplace gendered violence and sexual harassment data and trends analysis in their annual report and on their website, including:</p> <ul style="list-style-type: none"> • de-identified data received from employers under the psychological health regulations under development • enquiries • complaints • investigations • claims. <p>This data should inform public engagement about the initiatives WorkSafe undertakes to address workplace sexual harassment based on the trends. WorkSafe should analyse their data and assess whether strategies and specific interventions for workplace sexual harassment are effective and sustainable.</p> <p>The Taskforce notes WorkSafe’s Annual Report is required to be tabled in Parliament.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports the public release of WorkSafe’s work-related gendered violence and sexual harassment data.</p> <p>WorkSafe will publish this information on its website and annual report.</p>
20.	<p>The Taskforce recommends the Victorian Government explore options to pilot a restorative justice service (RJS) alternative dispute resolution model (based on restorative justice practices) to address workplace sexual harassment.</p> <p>The Taskforce notes that the initial focus of this reform should be on facilitated discussions between the employer and employee to address cultural change (before consideration of implementing restorative justice processes between the victim and perpetrator). Employees should receive targeted support when participating in the RJS.</p> <p>An initial pilot of the RJS should be rolled-out in the Victorian Public Sector, with consideration of high-risk departments and services. The pilot should be developed in consultation with relevant public sector unions.</p> <p>Findings from the pilot should be reported to the Reference Group (see Recommendation 26).</p>	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports restorative justice services as an important alternative pathway to resolve disputes and avoid re-traumatisation by legal processes.</p> <p>The Victorian Government will consider whether an initial pilot of the RJS should be trialled in the Victorian Public Sector.</p> <p>The Victoria Public Sector Commission (VPSC) is continuing to improve complaints processes for sexual harassment, including addressing barriers to complainants coming forward to report allegations and the provision of appropriate support services.</p> <p>This includes exploration of the mechanisms and outcomes for alternative dispute resolution.</p>

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21.	That the Victorian government require all public sector organisations to report lead and lag measures relating to sexual harassment in publicly available (and tabled in Parliament) annual reports.	<p><u>Accepted</u></p> <p>The Victorian Government has introduced reporting requirements relating to workplace sexual harassment for the Victorian public sector.</p> <p>The <i>Gender Equality Act 2020</i> covers public sector employers, universities and councils with 50 or more employees in Victoria. These organisations must submit strategies and measures to the Commission for Gender Equity in the Public Sector based on the results of a gender equality audit in relation to gender equality indicators, which includes sexual harassment in the workplace.</p>
22.	The Victorian government should fund the Young Workers Centre to develop an education module on workplace sexual harassment for rollout at schools across Victoria.	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports education on workplace sexual harassment in schools, as a prevention measure.</p> <p>The Victorian Government funds the Young Workers Centre to deliver an education module on workplace rights, bullying and discrimination (including sexual harassment).</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
23.	<p>The Victorian government should include education on sexual harassment and workplace rights in all Victorian schools.</p>	<p><u>Accepted in-principle</u></p> <p>The Victorian Government supports education on sexual harassment and workplace rights in schools, as a prevention measure.</p> <p>The Respectful Relationships program supports schools to embed a culture of respect and gender equality across the entire school community. Over 1,950 Victorian government, Catholic and independent schools are signed on to the Respectful Relationships whole school approach, including all government schools.</p> <p>DET's safe@work module provides health and safety information for secondary school students who are starting work experience, including information about sexual harassment as an OHS hazard.</p>
24.	<p>The Taskforce recommends the Victorian Government and WorkSafe continue to consult with groups who are disproportionately affected by work-related gendered violence and sexual harassment and their representative organisations, to inform development and implementation of all other Taskforce recommendations.</p> <p>Where a Taskforce recommendation is directed to both WorkSafe and VEOHRC (Recommendations 7 and 12), both agencies should consult with relevant groups and their representative organisations.</p> <p>This should include research undertaken into particular communities, including migrant and refugee women, ensure that implementation addresses barriers that impact disproportionately affected groups, such as language barriers/access to interpreters, cost of services, and lack of recognition of diversity. Any research should be shared with the Reference Group (see Recommendation 26).</p> <p>The Taskforce noted that consultation with representative organisations is resource-intensive and that there is a need to ensure these organisations are resourced to participate in future consultation.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports consultation with groups who are disproportionately affected by work-related gendered violence and sexual harassment to better inform prevention and response to these issues.</p> <p>WorkSafe and VEOHRC will actively engage with stakeholders, including advocacy groups, to ensure that the voices of groups that are disproportionately affected by workplace sexual harassment are heard.</p> <p>This engagement will be considered in the implementation strategy (recommendation 2).</p>

#	RECOMMENDATION	STATUS AND IMPLEMENTATION
25.	<p>The Taskforce recommends WorkSafe develop specific workplace sexual harassment and gendered violence training for HSRs based on the accredited HSR Refresher Training Course - Work-related gendered violence including sexual harassment to be incorporated into the current '5- day HSR Initial OHS Training Course'.</p> <p>All HSRs should be entitled to attend the accredited HSR Refresher Training Course - Work-related gendered violence including sexual harassment. This will be in addition to their entitlement to attend the annual HSR Refresher course as specified in s67 of the OHS Act.</p>	<p><u>Accepted</u></p> <p>The Victorian Government supports specific training for HSRs on workplace sexual harassment and to incorporate this into the initial OHS training course for HSRs.</p> <p>As part of the work to support the upcoming psychological health regulations, WorkSafe is working to design new content for:</p> <ul style="list-style-type: none"> • the WorkSafe-developed HSR initial OHS training course, • the WorkSafe-developed HSR refresher OHS training courses, and • the VTHC work-related gendered violence course, including sexual harassment refresher course.
26.	<p>The Taskforce recommends a mechanism be developed for reporting to the Minister for Workplace Safety on the progress of reforms.</p> <p>This should include WorkSafe reporting to the Minister bi-annually and a reference group comprised of key stakeholders/Taskforce members who provide ongoing advice to the Minister on the implementation of the Taskforce's recommendations.</p>	<p><u>Accepted in-part</u></p> <p>The Minister for Workplace Safety will have overall responsibility for progressing the Taskforce's recommendations.</p> <p>DJCS will regularly report to the Minister for Workplace Safety on workplace sexual harassment reforms, including the implementation of the Government Response to the Taskforce's recommendations.</p> <p>The Victorian Government notes that existing stakeholder channels will support implementation of the Taskforce's recommendations, including the Occupational Health and Safety Advisory Committee and the WorkCover Advisory Committee.</p>