

Circular 2020-22 | Prevention of Sexual Harassment in the Workplace Guidance



**Victorian
Public Sector
Commission**

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Application:	All Victorian public sector bodies
Resources:	<ul style="list-style-type: none">• Prevention of Sexual Harassment in the Workplace
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Key points

Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at all persons. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.

The Victorian Public Sector Commission (VPSC) has updated the **Guide for the Prevention of Sexual Harassment in the Workplace** (the Guide). The Guide supports the **Model Policy for the Prevention of Sexual Harassment in the Workplace** (the Model Policy).

Together, these documents promote consistent practice across the Victorian Public Service and sector. They will help organisations to ensure that they are working to prevent sexual harassment and support those who are harmed by such behaviour.

Update summary

The updates to the Guide include:

- new section 7.7 provides guidance on investigating allegations of sexual harassment where there are no independent witnesses;
- new section 7.8 provides guidance on information organisations can share with parties at the conclusion of an investigation;
- new section 7.11 provides guidance on reporting matters to external agencies/authorities;
- new section 8 and other changes to assist organisations to comply with the minimum standards in the new edition of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) *Guideline: Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010*;
- changes to reflect the prevention and response framework recommended by the Australian Human Rights Commission (AHRC) in the 2020 Respect@Work Sexual Harassment National Inquiry report;
- new content on the requirements under the *Gender Equality Act 2020 (Vic)*; and
- minor editorial updates.

Requirements

The *Equal Opportunity Act 2010* requires organisations to take proactive steps to eliminate sexual harassment in the workplace.

The Model Policy and Guide seek to support the Victorian Public Service and sector to fulfil this positive duty.

When updating policies and procedures, specific organisational requirements should be taken into account.

Background

The Victorian Secretaries Board (VSB) released statements in March 2018 and November 2019 affirming its commitment to a zero-tolerance approach to sexual



harassment.

To progress this work, a working group of all departments and Victoria Police (the Sexual Harassment in the VPS Working Group), chaired by the Deputy Commissioner, has been meeting actively since March 2018 to develop and oversee comprehensive, whole of VPS, approaches to addressing sexual harassment.

The Working Group were instrumental in the development of the Model Policy and Guide, which were endorsed by VSB and published by the VPSC in 2018.

On 28 November 2019, the Victorian Auditor-General's Office (VAGO) tabled its performance audit report *Sexual Harassment in the Victorian Public Service* in parliament. The report includes three recommendations for the VPSC to provide further guidance for departments in relation to investigating allegations of sexual harassment and reporting matters to Victoria Police.

Scope

The Model Policy and Guide apply to the Victorian Public Service. Victorian Public Service bodies are encouraged to revise their policy and procedures on sexual harassment in line with the Model Policy. The Guide assists organisations in implementing their sexual harassment policies.

All Victorian public sector entities are encouraged to revise their policy and procedures on sexual harassment, ensuring these are informed by the Model Policy and Guide.

