

INFORMATION SHEET

A safe complaint pathway for Ambulance Victoria staff and first responders / volunteers who have experienced discrimination, sexual harassment and victimisation

Complaints you can bring to the Commission

The Victorian Equal Opportunity and Human Rights Commission (the Commission) runs a dispute resolution service that helps people resolve complaints under the *Equal Opportunity Act* 2010 (the Act) concerning:

- discrimination (including bullying) on the basis of a [personal attribute](#) such as age, sex, pregnancy, disability, sexual orientation or gender identity;
- sexual harassment; and
- victimisation.

Current and former Ambulance Victoria employees and first responders / volunteers can make a complaint about their mistreatment at work to this free, safe and voluntary dispute resolution service. This information sheet explains how to make a complaint and answers commonly asked questions.

The Commission's dispute resolution service is **separate to the** Ambulance Victoria Review. Current and former employees and first responders / volunteers can make a complaint to our dispute resolution team at any time, including while participating in the review. Information you provide as part of a dispute resolution process will not be provided to the review without your consent.

About the Commission's dispute resolution process

Our dispute resolution service aims to help you resolve your complaint as quickly and fairly as possible. It is a voluntary process and tailored to the nature of the complaint.

Our services prioritise the safety of those involved, and the Commission maintains the confidentiality of all information provided to it. Importantly, the Commission is also an independent body and our staff have deep expertise and experience in resolving these types of disputes.

Information on what happens when you make a complaint can be found on the Commission's website. [Complaints | Victorian Equal Opportunity and Human Rights Commission](#)

How to make a complaint

Information making formal complaints can be found on the Commission's website:

<https://www.humanrights.vic.gov.au/get-help/>.

If you have questions about a potential complaint or how to make a complaint you can contact Senior Conciliator, Mary Tanner on 9055 6526. Alternatively, you can contact our enquiries line:

- Phone: 1300 292 153
- Email: enquiries@veohrc.vic.gov.au

Questions and Answers

What kinds of behaviour can I complain about to the dispute resolution service? What counts as sexual harassment and discrimination?

Our dispute resolution staff can assist with complaints about discrimination, sexual harassment and victimisation, each of which is unlawful under the Act.

Discrimination occurs when a person is treated unfavourably because of a personal characteristic that is protected by the law. Protected attributes under the Equal Opportunity Act include, among others, a person's age, race, disability, religion, sex and sexual orientation. Discrimination can be direct or indirect. Both kinds of discrimination are against the law.

- **Direct discrimination** is treating or proposing to treat someone unfairly because of a protected attribute. For example, not giving someone a promotion because of their sex.
- **Indirect discrimination** is when an unreasonable requirement, condition or practice - which may appear to treat people equally - disadvantages or potentially disadvantages a group of people with a protected attribute.

Sexual harassment is any unwanted conduct of a sexual nature, which could reasonably be expected to make the other person feel offended, humiliated or intimidated. It can be physical, verbal or written (including electronic communication). Sexual harassment can be a single incident or repeated behaviour.

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

- asserted their rights under the Equal Opportunity Act
- made a complaint or allegation of a contravention of that Act (formally or informally)
- helped someone else make a complaint
- refused to do something because it would be discrimination, sexual harassment or victimisation.

Can the Commission assist in resolving a bullying complaint?

Workplace bullying is repeated, unreasonable behaviour directed at someone that creates a risk to health and safety – such as verbal, physical and written abuse (including on social media).

The Commission can assist in a bullying complaint where bullying behaviour is also sexual harassment or relates to a protected characteristic or attribute. If the behaviour is connected with a protected characteristic or attribute it could be discrimination, for example it could be:

- Sex or race based discrimination where a person is bullying you using language that is sexist or racist.
- Breastfeeding based discrimination if it relates to a request to express breastmilk at work.
- Parental status-based discrimination if it relates to a request for flexible work hours to care for children.
- Employment activity-based discrimination if it relates to an employee asking for information about their employment entitlements or expressing concern that they haven't been or will not get an entitlement.

Our dispute resolution team cannot resolve complaints of bullying if they are not connected with sexual harassment or discrimination. However, those complaints will still be relevant to the Ambulance Victoria Review. Our review power under the Act is broad and enables us to consider the broader workplace environment in which discrimination, sexual harassment and victimisation occurs. It is important for us to know about these other types of bullying as we do our review work. It will help us identify and propose strategies to support and promote positive workplace behaviours.

Is the dispute resolution process confidential?

Yes. Commission employees are prohibited by the secrecy provisions in the Act from communicating information about the affairs of any person involved in dispute resolution. Nothing said or done in the course of dispute resolution is admissible in legal proceedings relating to the subject matter of the dispute.

The Commission also encourages parties to keep the matter confidential as this provides the best environment for resolution.

Who will the Commission tell about my complaint?

The Commission will only provide information about your complaint to the person(s) you name as being responsible for the sexual harassment, discrimination or victimisation. That is usually the person who subjected you to unfavourable treatment, as well as the employer if the conduct occurred at work. If you don't wish to name a work colleague who has subjected you to the unfavourable treatment, you can just name Ambulance Victoria. Ambulance Victoria is vicariously liable for the actions of its employees, that means you can bring your claim against Ambulance Victoria who is responsible for the actions of its employees.

Can someone bring the complaint on my behalf?

Yes, you may authorise another person to bring the complaint on your behalf. This may be your union, a family member, a friend or a legal representative.

How does the Commission tailor dispute resolution to ensure the process is safe?

We take a flexible approach to dispute resolution that allows our conciliators to design the process to support you and maintain your safety, whilst also giving you the best opportunity to resolve your complaint. There are several ways dispute resolution may occur, although because of COVID-19 we are not currently offering in-person face to face conciliations. You will be consulted whether you would prefer to participate by phone or video (ie Zoom conference). If you would not feel safe or comfortable being face to face (even virtually) with the person/s your complaint is against, we also offer shuttle negotiation where the Senior Conciliator relays information between the parties.

What supports does the Commission have in place for people who have suffered trauma?

The Senior Conciliator will assist and support you through the dispute resolution process, actively identifying and addressing power imbalances to allow parties to meet and resolve disputes, as near as possible, on an even footing. We are flexible in how we approach dispute resolution and create a process and environment that does not cause further harm to you. For instance, we will minimise the number of times you will need to tell your story, and work with you to create the mode of conciliation that you are most comfortable with.

At the same time, the Senior Conciliator must remain impartial and cannot provide counselling support. The Commission encourages you to access the supports Ambulance Victoria has in place such as its employee assistance program or other services you feel are appropriate for you. Talking to your own support network may also assist.

If I submit a complaint now does that mean I can't provide my story during the review?

No. Ambulance Victoria employees can participate in the review and also make a complaint through our free and confidential dispute resolution service. The participation of employees will be critical to the success of the review. If you make a complaint using our dispute resolution service, your information will not be passed on to the review team at the Commission unless you expressly request that happens.

What kinds of outcomes can be achieved through conciliation?

The outcomes available will depend on what the parties are willing to agree through conciliation. This can include outcomes that benefit you personally (*individual* outcomes) as well as changes to systems and processes that can fix broader issues (*systemic* outcomes).

Individual outcomes may include:

- apologies or letters of regret;
- reinstatement to your original job or workplace;
- changes to your workplace environment;
- change of policies, practices or procedures within an organisation;
- creation or review of anti-discrimination policies and anti-discrimination training;
- compensation.

Systemic outcomes

Dispute resolution can also be a tool to achieve social or organisational change. Conciliation outcomes have the capacity to extend beyond privatised individual remedies and include measures which contribute to, and further the objectives of the law to eliminate discrimination and promote equality.

Systemic outcomes may include:

- An organisation agreeing to change its policies, for example policies relating to breastfeeding at work or access to carer's leave;
- An organisation agreeing to train staff on sexual harassment or discrimination;
- A change in premises, for example, the installation of a ramp for disability access or a breastfeeding room
- A change in processes, for example, the way in which allegations of sexual harassment and discrimination are dealt with.