

## Work-related Sexual Harassment Reporting Pathways in Victoria

	How VEOHRC can help			How WorkSafe can help				
	Information and enquiries	Dispute resolution	Investigation	Advisory	Inspection	Investigation	Enforcement	Claims for Compensation
<b>What</b>	<p>The VEOHRC Information and Enquiries service can:</p> <ul style="list-style-type: none"> <li>provide information about your rights under Victorian discrimination law if you or someone you know has experienced sexual harassment</li> <li>provide information about your employer's responsibilities to prevent sexual harassment at work</li> <li>assist you to fill out an online complaint form, if you need.</li> </ul> <p>Find out more: <a href="https://humanrights.vic.gov.au/translations/english-simplified/contact-us/">humanrights.vic.gov.au/translations/english-simplified/contact-us/</a>.</p>	<p>The VEOHRC Dispute Resolution service can help people resolve complaints of sexual harassment through an informal and confidential dispute resolution process. A VEOHRC staff member will help people to tell their stories and work together to find an outcome. This process is called 'conciliation'. The conciliation process is voluntary. Either party can choose to withdraw at any time.</p> <p>Find out more: <a href="https://humanrights.vic.gov.au/complaints/what-you-need-to-know/">humanrights.vic.gov.au/complaints/what-you-need-to-know/</a>.</p>	<p>VEOHRC can investigate an employer or workplace where there are reasonable grounds to suspect a breach under the Equal Opportunity Act. It's rare that VEOHRC will investigate. VEOHRC can investigate in limited circumstances only where:</p> <ul style="list-style-type: none"> <li>the issue is serious,</li> <li>affects a group of people, and</li> <li>can't be resolved by individual legal action.</li> </ul> <p>Find out more: <a href="https://humanrights.vic.gov.au/about-us/policies/ea-investigations-policy/">humanrights.vic.gov.au/about-us/policies/ea-investigations-policy/</a>.</p>	<p>WorkSafe Advisory can provide you with information about all matters related to workplace health and safety, including sexual harassment. This includes obligations to eliminate risks and hazards, such as sexual harassment, so far as is as reasonably practicable.</p> <p>The Advisory team can assist you to report a health and safety concern or make a complaint on the phone.</p> <p>Call WorkSafe Advisory on <a href="tel:1800136089">1800 136 089</a>, Monday to Friday 7:30 am to 6:30 pm.</p> <p>There is an online enquiry form: <a href="https://myworksafe.vic.gov.au/s/customer-enquiry">myworksafe.vic.gov.au/s/customer-enquiry</a>.</p>	<p>WorkSafe inspectors can help employers to comply with Victoria's Occupational Health and Safety (OHS) laws. Inspectors can:</p> <ul style="list-style-type: none"> <li>enter and inspect workplaces</li> <li>provide advice or information to employers</li> <li>ensure compliance with the law.</li> </ul> <p>Find out more: <a href="https://worksafe.vic.gov.au/workplace-inspections">worksafe.vic.gov.au/workplace-inspections</a>.</p>	<p>The purpose of an investigation is to determine whether OHS laws have been breached and a prosecution, or another type of enforcement action, is justified. WorkSafe decides which matters will be investigated by considering criteria for comprehensive investigation in the OHS Compliance and Enforcement Policy: <a href="https://worksafe.vic.gov.au/resources/worksafe-occupational-health-and-safety-compliance-and-enforcement-policy">worksafe.vic.gov.au/resources/worksafe-occupational-health-and-safety-compliance-and-enforcement-policy</a>.</p>	<p>After WorkSafe conducts a comprehensive investigation and considers the general prosecution guidelines, WorkSafe may:</p> <ul style="list-style-type: none"> <li>take no further action</li> <li>issue a letter of warning</li> <li>issue a letter of caution</li> <li>initiate criminal proceedings.</li> </ul>	<p>WorkSafe is responsible for administering the workers compensation scheme in Victoria. If you've experienced a work-related injury or illness, you may be entitled to claim workers compensation benefits in the form of:</p> <ul style="list-style-type: none"> <li>reasonable costs for medical and like treatment</li> <li>weekly payments if you lose income or require time off work.</li> </ul> <p>WorkSafe agents perform some of the functions associated with managing WorkSafe claims. Your employer is required to choose a WorkSafe agent who'll be responsible for making a decision regarding eligibility and managing your claim. If your employer is a self-insurer, they'll be responsible for determining eligibility and managing your claim. If you've suffered a work-related mental injury you may be able to access early treatment and support while you await the outcome of your claim. These payments are known as provisional payments: <a href="https://worksafe.vic.gov.au/provisional-payments">worksafe.vic.gov.au/provisional-payments</a>. Find out more: <a href="https://worksafe.vic.gov.au/what-do-when-youve-been-injured-work">worksafe.vic.gov.au/what-do-when-youve-been-injured-work</a> access the WorkSafe claim form: <a href="https://www.worksafe.vic.gov.au/workers-injury-claim-form">www.worksafe.vic.gov.au/workers-injury-claim-form</a></p> <p>If you have any questions or need help completing the claim form, WorkSafe Advisory can assist. Phone 1800 136 089 weekdays from 7:30 am to 6:30 pm.</p>

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<b>Timing</b>	<p>The VEOHRC Information and Enquiries service is available by:</p> <ul style="list-style-type: none"> <li>• phone on 1300 292 153 weekdays from 10 am to 2 pm.</li> <li>• phone on 1300 152 494 to speak to VEOHRC in your language</li> <li>• email to <a href="mailto:enquiries@veohrc.vic.gov.au">enquiries@veohrc.vic.gov.au</a></li> </ul>	<p>It's best to make a complaint to VEOHRC within 12 months of the sexual harassment occurring, but complaints may be accepted after 12 months.</p> <p>There may be a wait before the conciliation process starts. Complaints can be fast-tracked if urgent action is needed. Once the conciliation process has started, most complaints are resolved within 6 months.</p>	<p>The timing of an investigation will depend on the circumstances, but it usually takes around 12 months to complete.</p>	<p>WorkSafe Advisory is available by phone on 1800 136 089 weekdays from 7.30 am to 6.30 pm.</p>	<p>Inspectors will decide whether to attend a workplace, and the timing of the visit, depending on the nature and circumstances of the request.</p>	<p>WorkSafe investigations can be complex. The timing will depend on the circumstances.</p>	<p>The timing of WorkSafe enforcement actions will vary depending on the type of enforcement activity and the circumstances. Section 132 of the Occupational Health and Safety Act 2004 outlines timeframes in which a prosecution for an indictable offence must be commenced by WorkSafe.</p>	<p>Decisions on eligibility must be made within certain timeframes as determined by legislation. For most claims, this is 28 calendar days from receipt.</p> <p>For claims including a work-related mental injury, entitlement to provisional payments will usually be determined within 5 business days from the date you submit the claim to your employer.</p> <p>Find out more: <a href="https://worksafe.vic.gov.au/after-you-submit-your-workers-claim">worksafe.vic.gov.au/after-you-submit-your-workers-claim</a></p>
<b>Do I have to share my personal information?</b>	<p>You can access this service anonymously. You don't need to share your personal information with VEOHRC if you don't want to. This includes your name or information about your employer.</p> <p>If you're not sure that you're ready to make a complaint, we can provide you with information about the complaint service or other services available to you.</p> <p>If you'd like to be referred to another service, or make a complaint and access VEOHRC's Dispute Resolution service, you may be asked for your name and contact details, depending on the help you need.</p>	<p>In most cases you can't make an anonymous complaint. To help VEOHRC resolve your complaint, it's likely you'll need to provide your name and contact details.</p> <p>Your name is required so the person you're making a complaint about has enough information to respond to your complaint.</p> <p>You'll need to provide the following details:</p> <ul style="list-style-type: none"> <li>• who your complaint is about</li> <li>• what happened</li> <li>• when it happened.</li> </ul>	<p>During an investigation VEOHRC may collect information from people with their consent. VEOHRC can also ask the Victorian Civil and Administrative Tribunal (VCAT) to make an order for a person, such as your employer, to provide information in some circumstances.</p>	<p>When you call us, you may be asked for your name and information about your workplace. Please tell us if you want to remain anonymous. If you'd like to remain anonymous, it may limit what outcomes can be achieved through our inspector enquiries. We would be unable to share any information with the employer that may identify you or make the employer aware that an employee of theirs raised a complaint. However, we can still look at the systems the employer has in place to address sexual harassment in the workplace.</p>	<p>If you've chosen to remain anonymous, inspectors may still choose to visit a workplace and exercise their powers. WorkSafe inspectors have powers under the law. Inspectors can:</p> <ul style="list-style-type: none"> <li>• enter a workplace during working hours</li> <li>• inspect things at the workplace and make enquiries</li> <li>• seize things from a workplace</li> <li>• compel production of documents</li> <li>• require a person to answer questions</li> <li>• require a person to provide their name and address.</li> </ul>	<p>During an investigation, WorkSafe may collect information from people on a voluntary basis or under compulsion. WorkSafe inspectors have powers under the law, including to require a person to:</p> <ul style="list-style-type: none"> <li>• answer questions during an investigation;</li> <li>• provide their name and address.</li> </ul>	<p>Depending on the enforcement action, WorkSafe may collect personal information about the person who may have experienced sexual harassment and the circumstances. WorkSafe may collect information from people with or without their consent.</p>	<p>When you submit a claim, some personal information will need to be provided. This includes information about the injury or incident, and supporting documentation.</p> <p>Sometimes your WorkSafe agent or self-insurer may require further supporting information to make a decision on your claim. This may include:</p> <ul style="list-style-type: none"> <li>• engaging a private investigator to obtain further information about the incident</li> <li>• obtaining further medical information from your treating health practitioner/s</li> <li>• requiring you to attend an independent medical examination.</li> </ul>

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						<p>People may be asked to provide signed witness statements which could be used in court. During an investigation, WorkSafe inspectors may collect evidence or information in other ways. For example, from workplaces, employers, witnesses or experts.</p>		
<p><b>How will my information be used?</b></p>	<p>This service is confidential. VEOHRC won't disclose any information without your consent unless required by law.</p>	<p>This service is confidential. VEOHRC won't disclose any information without your consent unless required by law. You can decide whether to participate in any complaints process. To progress your complaint, we'll need to contact your employer. You decide what information we give to your employer about your complaint. Anything said or done in the complaints process generally can't be used in a related court or tribunal case. There may be exceptions in some criminal cases.</p>	<p>At the end of an investigation VEOHRC will publish a public report about the employer's compliance with the law. This report will not identify you without your consent.</p>	<p>WorkSafe generally treats all complaints and reports as confidential unless otherwise stated or as required or authorised by law. Further, WorkSafe does not generally disclose your personal details if you report health and safety risks at a workplace.</p>	<p>WorkSafe generally treats all complaints and reports as confidential unless otherwise stated, or as required or authorised by law.</p>	<p>If WorkSafe takes legal action against your employer, they may need to share your personal information with your employer in court. Signed witness statements may be shared with your employer and used in court.</p>	<p>During a prosecution, WorkSafe may be required to disclose information about you even if you don't want WorkSafe to. This is because, in criminal cases, the prosecution has a duty to disclose all information relevant to the case against the accused person or group. Information can include:</p> <ul style="list-style-type: none"> <li>• statements made by you</li> <li>• records of conversations you've had</li> </ul>	<p>The information submitted in the injury claim form will be used by a WorkSafe agent or self-insurer to assist in assessing your claim: <a href="https://www.worksafe.vic.gov.au/make-claim">https://www.worksafe.vic.gov.au/make-claim</a> When making decisions on your claim, your WorkSafe agent or self-insurer must follow the relevant legislation and WorkSafe's policies and procedures. After assessing your eligibility, your WorkSafe agent or self-insurer will let you know the decision in writing.</p>

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							with WorkSafe employees <ul style="list-style-type: none"> <li>relevant health records held by WorkSafe.</li> </ul> WorkSafe's specialised team will work closely with you throughout the investigation and prosecution to ensure that you understand when disclosure of personal information may occur.	
<b>Possible outcomes</b>	Outcomes may include: <ul style="list-style-type: none"> <li>receiving information about sexual harassment and your available options through VEOHRC</li> <li>being referred to another service or organisation if you need.</li> </ul>	Through the dispute resolution process, you can seek outcomes from your employer such as: <ul style="list-style-type: none"> <li>an apology or a promise from the person to change their behaviour</li> <li>an apology or promise from your employer in relation to sexual harassment</li> <li>an agreement that your employer will change policies or practices, or provide training, to help prevent sexual harassment from occurring again</li> </ul>	Investigations don't result in individual outcomes for someone who's experienced sexual harassment in the working environment. Outcomes of investigations may include: <ul style="list-style-type: none"> <li>a voluntary agreement to take steps to prevent sexual harassment occurring</li> <li>referring the matter to the Victorian Civil and Administrative Tribunal (VCAT).</li> </ul>	We can give you information about how the OHS laws apply to sexual harassment and how WorkSafe can help you. If we think a person is breaking the law, we can refer that information to an inspector. We can refer you to another service that may also be able to offer you help.	An inspector will decide if there's compliance action WorkSafe should take to ensure the employer complies with the law. This may include: <ul style="list-style-type: none"> <li>issuing improvement, prohibition or non-disturbance notices to the employer</li> <li>issuing infringement notices or official warnings to the employer</li> <li>providing information and guidance to the employer to help them comply with the law</li> <li>giving the employer other types of</li> </ul>	After an investigation is complete, WorkSafe will decide whether to take further enforcement action. This decision will be made based on WorkSafe's OHS Compliance and Enforcement Policy and the general prosecution guidelines: <a href="https://www.worksafe.vic.gov.au/worksafe-victorias-general-prosecution-guidelines">worksafe.vic.gov.au/worksafe-victorias-general-prosecution-guidelines</a>	Outcomes depend on the enforcement action taken. For example, this might include: <ul style="list-style-type: none"> <li>a monetary fine, if a person is prosecuted and found guilty by a court</li> <li>an enforceable undertaking, which is a written undertaking by an accused party, agreeing to do things to</li> </ul>	If your claim is accepted, you may be entitled to weekly payments, or payments to cover medical expenses to treat your workplace injury. Payments will depend on your individual circumstances.

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		<ul style="list-style-type: none"> <li>financial compensation for lost income, or pain and suffering, caused by sexual harassment.</li> </ul> <p>VEOHRC is independent and doesn't take sides. This means it doesn't represent anyone in the process. VEOHRC is also not a court or tribunal, and can't make orders or decisions about whether someone has broken the law.</p> <p>All outcomes are voluntary. If the issue can't be resolved you might choose to take your matter to the Victorian Civil and Administrative Tribunal (VCAT).</p>	<ul style="list-style-type: none"> <li>a public report about the employer's compliance with the law</li> <li>reports being made to the Attorney-General or Parliament</li> <li>taking no further action.</li> </ul>		<p>directions to help them comply with the law.</p> <p>The inspector will make these decisions based on the enforcement criteria in WorkSafe's OHS Compliance and Enforcement Policy, which can be found here:  <a href="https://www.worksafe.vic.gov.au/sites/default/files/2021-08/ISBN-OHS-compliance-enforcement-policy-2021-08.pdf">content-v2.api.worksafe.vic.gov.au/sites/default/files/2021-08/ISBN-OHS-compliance-enforcement-policy-2021-08.pdf</a></p>		<p>remedy a breach of the law</p> <ul style="list-style-type: none"> <li>a letter of warning or caution.</li> <li>accepting an offer to enter an enforceable undertaking</li> <li>accepting an offer to undertake a criminal justice diversion program.</li> </ul>	