

Victorian Equal Opportunity and Human Rights Commission
(VEOHRC)
International Women's Day Webinar
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KRISTEN HILTON:

I'm joined today by my colleague (Justine Vaisutis) who is the Head of Education and Engagement team here in the Commission. I'd like to begin by acknowledging the traditional owners of the land from which I'm coming to you from today which is the Boon Wurrung people of the Kulin Nation and to pay my respects to their Elders, past and present. I'd also like to acknowledge the Victorian Government's recent establishment of the Yoo-rook Justice Commission which will look into our experiences of First Nation's peoples here in Victoria as a way of trying to move forward on the necessary journey of reconciliation.

So Happy International Women's Day for this week. It's time to reflect on where we're at and how much still needs to be done to make sure that women are able to participate in every part of life. And today we'll focus on a few aspects, in particular flexible work and sexual harassment. The session today is really designed to be very interactive and very practical. It is not so much a broad ranging discussion but more an inquiry into some of the resources that we have developed at the Commission over the last couple of years which are designed to equip employees and employers with practical advice about how they can make their workplaces more inclusive.

We are in a particular moment in time as we build back or differently to what a COVID-19 normal workplace or environment looks like, where we can actually make some long awaited structural and systematic changes as to how our workplaces operate. Some of the tools that we have developed over the past couple of years which we'll be looking at today include our guideline on sexual harassment, a flexible work request planner which is a digital tool, a sexual harassment support and response tool also a digital tool, and six standards for workplaces on sexual harassment. We're being told that we're in a critical turning point on inclusive and fair workplaces, but we know that turning point will actually turn if we all take up the challenges that we know exist but also draw on the many resources that are being developed to actually help employees and employers navigate this space.

As I mentioned I'm joined by my colleague Justine - I'll hand it over so you can introduce yourself but just to remind people that this session is being recorded. If you're interested, you can watch it again and we also have a live captioner with us. Justine, over to you.

JUSTINE VAISUTIS: Thank you so much, Kristen. I'm Justine Vaisutis, the Head of Education and Engagement Branch here at the commission and I also would like to acknowledge the traditional owners of the land from which I am on. I'd like to pay my respects to Elders, past, and present and all First Nations people that are joining us today.

I'm glad to be joining Kristen and transitioning back into the workplace and how that can be constructive and positive. And I'm just delighted to see two of my colleagues from our enquiry team, in person. So if you hear any noise that's them giving advice to people in Victoria. So Kristen, why don't you kick us off with the first question of flexible work that people are putting to us?

KRISTEN HILTON: Thank you, Justine. By way of background, the Commission is aware that access to flexible work has been an issue for both men and women for many years and through a program called Raise It!, we actually developed a series of workshops and tools that helped people navigate flexible work. Justine is going to talk a little bit about that but COVID is a proof of concept, if you like, that if you have the right technology, flexible work can work. So people can work from home or they can work remotely. And there were a lot of benefits to that we saw, but we have also heard that over the last 12 months people have been under much more pressure that they previously had and that's been particularly the case for women.

We did a survey over 1500 Victorians who told us about this, that women have disproportionate borne the burden of caring responsibilities and also trying to work, and people are unsure about how to manage this going forward. People have felt like they've been on 24/7 so there's been no respite or separation between work and home life. They want to retain the flexibility of working from work but the current rate of work, or the pressure of work, it's unsustainable. So, Justine, just reflecting when we developed that chatbot, it was to encourage people to work more flexibly, but what have we also learned from what works and what doesn't?

JUSTINE VAISUTIS: Great, question, Kristen. So I guess a starting point is even though COVID-19 has been 'proof of concept' what hasn't changed is that everyone needs to work in a safe way. And working from home doesn't mean that everyone now has to be on 24/7. That's not a safe or healthy working environment. So it's more important than ever, really, for employees, managers, and employers to have constructive and healthy conversations about working hours so everybody knows what their rights are, and everyone has access to a safe working environment and more importantly employers and managers know how to take care of the workforce in this disruptive working environment that we're finding ourselves in. So a discussion between a manager and employee can take into account everyone's perspectives. It can absolutely be win-win and those conversations do really need to cover the laws that apply when it comes to requesting and reviewing and requesting the flexible work.

So as Kristen said, some of the resources and tools that we developed, including out of the landmark Raise It! Program, are digital and they're designed for people to be able to use them on their phones, on tablets, and personal devices that are away from the workplace which is where they're going to start having conversations with friends and family, about flexible work and what's going to work for them. So we might bring up some screen shots now of our flexible work planner.

Thank you, Lauren. So here you can see just the snapshot of our flexible work planner which is a chatbot and it's designed to help people walk through a pathway and a conversation, to help them plan flexible work requests. It's also designed to help a person conduct an informed negotiation with a manager. We know lots of managers are supportive, have embraced flexible work and are really committed to taking care of their staff, but we also know that lots of managers either don't have the information or don't know what their obligations are when responding to a request for flexible work. And it's really important that they do because some of those obligations are lawful. They have to lawfully consider a flexible request and this chatbot helps managers and employees do exactly that. It's interactive and it has dedicated pathways for employees or for managers who have received a request for flexible work, and they'll see whether they can approve it or support it and maintain productivity and meet business need.

So, Kristen, what we might do is talk through some of the specific questions that we've heard through our enquiries, education, and complaints and all of the evidence and research to see how this tool can assist people more specifically.

KRISTEN HILTON: And one of the questions or concerns that we often hear is how to manage burnout. And I think that's been topical over the last 12 months. People want to know how I prevent a really high workload and long hours that are tipping into burnout. And I remember that as a manager I was often told do not send e-mails to your staff after a particular time and it feels that a lot of those lessons have perhaps fallen by the wayside during COVID because we were working such irregular hours. So how do you create different working arrangements that suit people to help them prevent burnout in a way that's actually financially viable for them and perhaps for the organisation they're working with?

JUSTINE VAISUTIS: Yes, and this is again particularly topical now given that we've been through this period of time and a lot of people have been working from home and as you say, Kristen, it's been a slippery slope, hasn't it? And those mechanisms that have been put in place to make sure people are working sustainably and managers are respecting work/life balance, and it's been difficult to maintain those during COVID because people have had to juggle all kinds of things and they've had to work many different hours, which mean managers are too and a lot of those boundaries have gone out the window. And actually transitioning back into the workplace is a very pivotal time to think about that and rethink flexible work and a trial period is really critical because what might've worked before COVID that might need to be very different now. COVID really debunked so many myths about flexible work - we know that people can work flexibly and work from home and maintain productivity more than they did - more than people might've considered or interpreted previously so there's a real opportunity to capitalise on that.

Interestingly enough, people talked about that in surveys last year- and surveys run by the public sector showed the top reasons for decreased well-being alongside managing competing priorities were increased workloads and time pressures. So those mechanisms and those parameters that were lost actually reduced people's well-being so that's a real safety issue. And one in four respondents in those Victorian public sector surveys reported high to severe stress when Victoria was in Stage 4 lockdown. So employers still have an obligation as far as possible

to provide safe workplaces and so a trial period of going back into the workplace or transitioning or adapting to the new COVID-normal is a great way to do that.

And, again, a digital planner - our chatbot - helps people to plan those conversations. But think about different flexible work options - and we'll get to them in a bit - but really also thinking about a combination of flexible working arrangements. So a trial can be used as a template for what works best moving forward. Our chat box encourages people to encourage communication strategies, how can people stay in touch with their team - that doesn't need to be complicated. It can be a very, very easy check-in via Teams or Zoom or all the other platforms that we're working off and that maintains productivity and output which is what's most important rather than 'when' and 'where' someone is working.

Critically, a trial also helps a manager and an employee learn by doing. A trial is an effective way to understand what flexible working arrangements would work, whether it's adjusted hours, whether it's a condensed week or working from home some days, working in the office all of time in different ways. An employer and an employee can use a trial to figure out what works best and then use that as a template for the future and that can be used across teams as well.

KRISTEN HILTON: And one of the things that we've heard, Justine, through our work with Victoria Police and with other organisations as well and it's a point that Fiona Vines who is the ahead of Global Head of Diversity at BHP has made is that it's very important to collect data on the types of flexible work requests you are receiving and how those requests been responded to by managers. What we have noticed is that sometimes whether or not your flexible work arrangement works is at your manager's discretion. And so ensuring there's consistency in how requests are dealt with across the organisation see and understanding that flexible work, the acceptance, or the refusal of it, is not a performance management too is really critical as well.

JUSTINE VAISUTIS: Absolutely. The importance of collecting data about flexible work and how common it is, demonstrates that it doesn't have an impact on productivity. And as you said Kristen, we know from all of our work that a lot of workplaces aren't very good at collecting data, and lots of those arrangements are informal. They work for people but if that data is collected it demonstrates, as formal studies have shown, that flexibility increases productivity, it doesn't impinge on it.

So, Kristen, I think too that one of the critical issues that people faced last year was really the juggle between parent and care responsibilities and working particularly during lockdown. I know you and many of the people here today with us felt that palpably. What were some of the issues that people reported to us?

KRISTEN HILTON: It's interesting because we noticed the reporting of the issues changed over time. I think when people first went to lockdown, for some there was real benefit, those who could work from home, who had the technology to do it and who weren't in an essential service delivery role which meant they had to attend a place of work. There were benefits to changing

the time that you spent commuting or being able to be more present at home, the fact that, you know, you could actually connect with a broader group of people across different on platforms that you would normally have been able to do.

But I think the combination of lockdowns - and Victoria had some of the most prolonged and stringent lockdowns anywhere in the world - and the combination of school closures as at time childcare closures, meant that working parents in particular were really affected - and studies have shown women disproportionately so - affected by trying to manage still a full working load and to care - not just care but actually school children in many cases. And we heard during that period that not all employers were as amenable or as understanding as perhaps we thought they might be in terms of flexible working arrangements. So we had people being denied leave. We had unreal expectations that employers had of employees. We had employees faced with economic insecurity about potentially losing their job if they made a complaint, really worried about the ramifications about speaking out. And we certainly heard from people doing extraordinary things, getting up at 3:00 in the morning and doing a couple of hours of work before children needed to be taken of. That is not what we're talking about when we talk about safe flexible work practices. So how we've responded to some of those issues.

JUSTINE VAISUTIS: Yes, and I'll talk a little bit about how our tools can help you, but I think it's important for people to know about those things that we heard about people experiencing in the workplace, that managers weren't accommodating and people were finding it really, really difficult to manage that juggle. That's supported by national data, statistics from the Australian Bureau of Statistics on unpaid work - that show as recently as December 2020 that women were twice as likely women than men in spending 20 or more hours in the previous work on caring for or supervising children and that's on top of trying to meet their work commitments. So the ABS data gives that palpable indication and illustration of what people are trying to manage and that the burden really did fall to women. Staff reported in wellbeing surveys that they felt less healthy, and they were really struggling to juggle those competing priorities.

And we ourselves ran a survey which focusing on parent and carers and those living with disability in Victoria that found than more than three or four women in Victoria spent in caring for the children during COVID, particularly primary school children. The pandemic was complex, but it doesn't change the fact that some workers have particular protections underneath the law - under the Equal Opportunity Act to work flexibly - that has not changed. And we want people to know about their rights and how to request a lawful flexible working arrangement and for managers to respond to that.

We also know through our survey that 28 percent of women didn't put a request and that's because they were unsure of their own rights. That's a really important piece of information that feels complex to get your head around but our chatbot does that, it talks to the legal protection that people have. And we'll bring the slide here about the options that the chatbot walks people through in making a requests So you can see there might be various start times or finished times, it might a compressed week. They've got care and responsibilities on a particular day of the week or they're balancing that with a partner or another guardian and supports available It

could be job sharing to accommodate all of those parent and caring responsibility. So there's really a range of options available to people that they should be putting to managers because they have a lawful right to do so, and it could be a combination of any of those things. And, again, capitalising on the fact COVID has debunked the myth around flexibility not supporting productivity, there's a real opportunity to do that.

KRISTEN HILTON: Justine, just thinking about what the EOA does say, can employers refuse a flexible work request?

JUSTINE VAISUTIS: They can refuse a flexible work request, but they have to provide the criteria and the basis for doing so they have to respond to that. Under the Fair Work Act they have to respond to a request for flexible work under 21 days but under the Equal Opportunity Act they must provide a reason for refusing a request and it must be a reasonable request. And that is for anyone that has a protected attribute. So a parent or carer, a person with a disability, anybody that has a lawful right to request a flexible work request. It can't just be 'no'. That's unacceptable. It's actually unlawful. And that's what the chatbot helps people - both managers and employees - to understand. And there's a downloadable checklist that both managers and employees can access through at the end of the pathway so it's a takeaway that helps them prepare for a conversation.

So in addition to finding more ways to work flexibly, understanding rights, understanding lawful obligations, understanding the law that applies to everybody, I think there is still some long-standing issues around inconsistencies in the way flexible work is applied and perhaps uneducated or uninformed managers still having the perception that it's a personal decision or a personal performance for them to have.

KRISTEN HILTON: And, Justine, just before we get onto that we know that men are having more flexible work refused. They're also less likely to ask for flexible work. So often when we talk about this, we talk about it a women's issue, but it really is an issue for both genders, for all genders. This is not just parenting responsibilities; it could be someone who has a disability who needs flexibility at work or someone who is caring for somebody else or someone who wants to pursue interests outside work. So I think it's really important that we broaden the conversation around it. Certainly women are more impacted, but we want to broaden the conversation and destigmatise people asking for flexible work as well.

The other thing that you mentioned was that these inconsistencies about how flexible work requests are managed and also for some organisations - depending on what type of organisation that it is and I think it's fair to say that some environments may be trickier than others to conceive of flexible work arrangements but when we go and talk to organisations or sectors many of them will say, well, it's all very well if you're an office worker and you can work from home, but at our organisation you cannot work flexibly. So that's sometimes the first response from some organisations who have historic and rigid wants of working and, again, we're sort of seen that debunked over the last 12 months, but we have to be very careful that that stigma doesn't just reintroduce itself, I suppose, in the new ways of working. But I'll also just

remind people, if you have questions for Justine or myself then please feel free to just put it in the chat. But, Justine, back to you.

JUSTINE VAISUTIS: Thanks, Kristen. And it's such a good point that many of the workplaces feel that they're unique and the way they operate their businesses and their business needs are unique. And of course there are many places that can't accommodate flexible work because of the nature of their work, but again I do think that COVID tested the boundaries of that and enabled us to discover there was certainly more latitude that we might have thought. So within the Commission even, we had real concerns about how we were going to maintain our enquiry service which is a frontline delivery service. We have platforms and systems here; people are responding to people from the public who walk into the office and want to speak to someone. We really didn't know prior to COVID if it was possible to make that service flexible or enable people to work remotely. And it turns out through necessity we could, and it worked incredibly effectively, the team worked incredibly effectively together, they had their communication strategies set up. We just adapted - and I think workplaces underestimate how much they can adapt - and again it's about going to the resources that are available including the chatbot and those checklists and encouraging more constructive conversations about what flexible work is available.

I think what's really important is providing some assistance to managers and to have the conversations and apply more consistently and actually think outside of the box a little bit more. And they've got to do that, but they need help to do that. So we actually have a video here. We'll try to show you an interactive video which shows you exactly how the chatbot works for managers. You can see here that the chatbot is prompting the manager. You can see here if they refuse a request, they have to provide grounds and the chatbot is interpreting what the manager has selected and preparing some prompts to help them structure a conversation with their employee.

So there's guidance about a manager taking a screen shot of the talking points to start that preparation, adding some links below to further resources, to our checklists, to COVID-19 issues and planning, learning about rights and obligations at work, and contacting the Commission if they want more information or if they need to make a complaint of any sort. And also to external resources and agencies that we work closely with like the Victorian Ombudsman to make sure that people have really good information about how to support flexible work. Not only the people who require it and who have a right to it under the law but to anyone. You don't need to have a lawful right to request a flexible work arrangement and many just need to consider that carefully. Lots of benefits to it. Maintaining business continuity, staff loyalty, values, all of those things that come with a two-way dialogue between employers and employees about fundamental things like work/life balance, and flexible work arrangements that help them to do that. Our chatbot makes it really easy for people to do that, so they don't have to come up with it on their own. It's really quick, you can use it confidentially and it's anonymous.

Okay. So I think we might have one more discussion point around flexible work. And again, I think it's another long standing one, Kristen, around whether or not flexible work prevents

productivity and whether or not it is or isn't sustainable. So what are some of the questions that you've heard in your discussions?

KRISTEN HILTON: Yes, I think it's a really interesting topic because I remember when we were looking at flexible work within Victoria Police and the access to flexible work was a real impediment to professional development and progression. So working flexibly there generally meant working part-time and often it would be part-time where you have young children. And the assumption was when your children are of school age, you'll go back to working full-time hours like everybody else. We do now have the possibility to reimagine that flexible work isn't because you might need to work different hours for a period of your life, it's actually a whole new way of working. And the benefits - and there's been a lot of research that's been done around this - the benefits of being able to diversify your workplace by actually embedding different work practices within the organisation are immense, and that is linked to flexible work. The ability to get more women in the workplace because of having different work arrangements and work practices and that is a genuine issue where you don't have access to flexible work and what that means for women entering those jobs.

And I think the other thing that we have seen, and it's been picked up here in the Q and A is some of those stereotypes that you can work at a certain level and when you become a senior person - that's not necessarily a CEO level, that's a manager level - you need to be there all the time. So flexibility is 'ok' for some cohorts within the organisation then when your job perhaps has more responsibility attached to it, it's just not an option. I can say from personal experience I found that out to completely not be the case. And I think really what we need to see though is a demonstration from quite senior people, in CEO position, in CFO positions where they take up flexible work as well.

So one of the things we've seen Justine, as people returning to work is men are returning at a faster rate than women. And that is because women are still balancing parenting responsibilities or found that the flexibility has enabled them to do some things that they weren't able to do when they were commuting to work. And while there are tremendous benefits to that, I think the flip side to that is you're not seen as visible in the physical workplace as you are in the virtual workplace. So the informal and the formal opportunities that are perhaps sort of given out and the informal professional development that you might receive when you're not actually in the physical workplace means that people might miss out on those opportunities if you're working from home in the way that we have over the last 12 months.

And to counter against that, my view is you really need senior people in the organisation to be stepping up and to be role modelling this. There's no reason why if some of your employees are working from home couple of days a week, that you can't be working from home a couple of days a week. And it really requires I think, a demonstration of how senior people are going to take up flexibility. It doesn't necessarily mean you're working less. It doesn't mean that you're any less productive. And if we're working in outcomes rather than to hours in the office, then it should be completely achievable. But I really believe that that sends an unusual message if the

leaders of the organisation, the executives of the organisation are all in the office from 7:00 a.m. to 9:00 at night and are encouraging to work their staff flexibly.

JUSTINE VAISUTIS: So, Kristen, everything you say about culture is critical and really, we're at a point in time, aren't we, where it's no longer acceptable to think about a flexible work arrangement as an individual request as opposed to the culture of a workplace, you know, the values and culture of the workplace to enable everybody to meet their true potential and to provide equal opportunity. Equal opportunity about career progression to networking, to professional development, to all of those really critical things that enable people to reach their full potential. And for too long it has been flexible work and part-time work containing that, has actually impacted women and disadvantaged women.

There was a really great article - a short read - in The Conversation yesterday by Leah Ruppanner and Jordy Meekes about how it important it is that flexibility for women alone is not enough to support their career progression. It must be accessed and used by men as well because that means that parent and caring responsibilities are equitable, that means that flexible work is normalised in the workplace, that the conversations everyone is having at work should stop being about the rigid start and finished times and places of work and really start becoming more constructively about output and productivity and at its heart flexible work is about working smarter. Not working less, not working more, about working smarter to get the job done.

Kristen, I'm going to put you on the spot a little bit because as a really important leader and a human rights and equality leader in Victoria, your role modelling of flexible work and work practices in general have cultivated a culture in this workplace. And I can say that because I came from a workplace where flexible work or working from home is quite difficult to access. There was a concern that people weren't working and coming to the Commission with you as a leader and role modelling that as really critical. So I wanted to just ask you to reflect a bit on that about your transition having experienced that personally where it was difficult and, you know, what you seen as a Commissioner as a result of your role modelling as a leader.

KRISTEN HILTON: That does put me on the spot, Justine. But what I will say that I have children that are all in school now and I worked full-time when they were young like many people out there and I was absolutely adamant that my work aspirations which was, you know, a very strong part of who I am, and my identity did not have to necessarily be dismantled because I was also a parent. And in saying that, there are particular periods where your children are very young, where you may need to pull back and you may need to arrange the work that absolutely works for you and your family. So I don't think they should be judged on the individual choices they make about working full time or part time or taking long periods from the workforce to playing the caring role that they want to play. But I was very determined to make sure that people saw that I did what I could to manage working full time and creating a workplace where people were able to sort of thrive in a working environment and feel they were supported to take care of their responsibilities outside of work as well. Because I knew that was what was going to be best for the organisation. And if people felt valued as a whole person not just as a worker

then they were going to be able to contribute more. And I think that is a culture that we have created at the organisation. The other thing that we have done is we have trusted employees.

So, again, I've used this sort of proof-of-concept idea that it has not been my experience that flexible work or the lack of access to flexible work will improve someone's performance whatsoever. My experience has been if you give people the autonomy and the choice, within the parameters of what they need to do and the requirements of the job, if you give them the choice to work out what is best for them and how they can do their job the way that suits them and the people that they manage best, then you are going to have the most productive and the most engaged workforce. And that seems like an absolute no-brainer to me. So it's always curious when I go into organisations or when I hear from people where there's been a blanket refusal to contemplating arrangements that are slightly out of the ordinary because we are, you know, at the end of the day we are all people who have complex lives. And I think we've been trying to fit into a very rigid way of working for far too long and that has had a particularly detrimental impact on women, but I also think it has had an impact on men and the types of roles people go for, type of contributions that can make to family life outside of their working life, I think we have reimagined what that looks like at the Commission. And I know that other big organisations, complex organisations have also been able to reimagine that. But I think it's about having trust and belief in your employees and working towards outcomes rather than just working towards hours.

JUSTINE VAISUTIS: Thanks, Kristen. And thank you for accommodating my request for a personal response there. I really did put you on the spot. But, yes, trust and confidence are critical and, you know, a workplace culture doesn't finish in the workplace. It is about people's lives beyond that and workplaces are a reflection of our reflection of society. So that trust and confidence and equitable access is so important.

And what we do know well and truly is that now that people have worked flexibly, they're going to want to continue to do that. So employers and managers who are still reticent are actually going to have to get on board because people know that it works and they're going to start making those requests. So we've walked through some of the great resources and tools that are available to everyone right now. There are checklists, there are downloads, there are guides, there's a whole range of things that are really designed to make it very easy for people and to know their obligations and to have those constructive conversation. But the trust and the confidence and the cultural piece, people are going to have to work on that. It's no longer about individual request it's about the how as a workplace, people come together and work.

KRISTEN HILTON: And, Justine, we can see some of the resources on the screen. We don't have a lot of time left and one of the topics we have to cover today is something that the Commission has worked for a very long time. And it's been brought into sharp relief in the last few weeks as well and that is the issue of safety at work and sexual harassment and assault at work.

We know so much about the impacts of sexual harassment at work, we know so much about just how harmful it is, not just in that moment but the long-term trauma that's often involved in those sorts of incidents. And we know how sexual harassment cannot just affect someone in a particular moment and also how they can discourage them from actually continuing to participate in the workforce. It can lead to people giving up at jobs because they can't get the behaviour to stop, it can leave people feeling sidelined, people who often speak up about sexual harassment are victimised and we know where places still don't have good enough preventive and response systems in place. And we know that many people still feel really uncomfortable about reporting sexual harassment. Some of the things that we hear, Justine, well, I can't make a complaint about that because that will be career suicide for me, the perpetrator is so powerful that the organisation will get behind him, and I am a dispensable worker, no one will take me seriously, there will be ramifications for me if I speak up.

We still hear these sorts of things every day from across every different industry. And we see this being played nationally now in the most terrible way and it does strike me if we had better organisational prevention mechanisms and better response mechanisms people wouldn't have to go through the media necessary and it's really traumatic for someone to have to endure. And we would hope that this didn't happen in the first place, but we would hope for better organisational responses if it did happen. Can you tell us, Justine, in the work that we've had over the last couple of years, in particular and starting with the sexual harassment guidelines?

JUSTINE VAISUTIS: Yes, the time that we're in now, with recent events, really the last two or three years we're just starting to peel back the layers and what people are experiencing and the full impact of sexual harassment in the workplace. I think that tells us that workplaces are on notice now. It's no longer enough to not know what to do. It's no longer acceptable to try to sweep it under the carpet under the guise that somehow that's better for everybody. Actually workplaces are now on notice to meet their lawful obligations. And in Victoria that includes the positive duty. So that's not about just addressing and responding to sexual harassment as it happens, workplaces are on notice to put systems in place to prevent it from happening and now it's the time to do it. So our sexual harassment guidelines - our practice guidelines, we have a function under our legislation - this is really helpful for employees and managers in particular who are listening but employees as well, we want you to promote this and know about it. These practice guidelines are really important because they can be used in a range of ways to determine whether or not a workplace has met its lawful obligations, whether its meeting its positive duty under the Equal Opportunity Act.

In particular, I'll talk a bit about the six minimum standards in our sexual harassment guidelines, and this is what we know from all of our research, all of our review work, all of our education now, all of that really rich evidence base, we know that these six minimum standards are critical to ensure that an employer meets its positive duty and prevents as well as eliminates and addresses sexual harassment. So there's knowledge understanding obligations under the Equal Opportunity Act, putting together a preventive plan, organisational capability. So driving a culture of respect and trust and that's everything from a victim-centric complaints mechanism and encouraging people and supporting people to talk up to those fundamental things about ensuring

that you have a gender equitable workplace where everyone has access to flexible work, where gender discrimination and bias and sexist comments are not tolerated. Risk management so a review culture and respect regularly and an organisation knows what its people are experiencing. Reporting and response, and monitoring and evaluating how effective their framework is. So our Policy and Research branch have pulled these guidelines together. They've been out for almost ten months now. We know that the workplaces are using them, and we get feedback all the time. And they're designed for workplaces on all shapes and sizes. There are not a 'one size fits all', We have examples in the guidelines that help small businesses who think they might not be able to do anything actually apply these standards to very large organisations who are well-versed in their lawful obligation in making sure they're meeting their minimum requirements.

KRISTEN HILTON: I think that's a very good point, Justine, because under the Equal Opportunity Act there's perhaps different standards or different ways of meeting those minimum obligations where you're a large well-resourced organisation or whether you're a small organisation and that doesn't mean that you have the same obligation to keep your staff safe and ensure that you're preventing and responding to sexual harassment, but the action that you might take depending on the size and complexity of the workforce, might look quite different. And the guidelines are intended to be really practical because we're hearing from people, okay, we need an equal opportunity plan, we need a sexual harassment plan, we don't know what that looks like, we don't know what actions we need to take to be sure we are preventing and responding appropriately to sexual harassment. So the intention was to give a sense of what a sexual harassment is, and the impact of sexual harassment and to give practical examples on what employers could do to make sure they're preventing and responding appropriately. And the feedback that we've had is they're really usable and practical.

One of the questions that has come through in the chat is about how some of our resources fit with the requirements of the Gender Equality Act in Victoria. We work very closely with the Gender Equality Commission and ensure that the resources that we are putting together will also help respond to your requirements, your obligations as an employer under the Gender Equality Act. But, Justine, are there other things that you wanted to mention about that?

JUSTINE VAISUTIS: Yes, thanks, Kristen. All of the guidelines and the tools that we've discussed today employers should be applying them not only to meet their other obligations underneath the Equal Opportunity Act irrespective of size but also their obligations under the Gender Equality Act because they are synonymous. If you can demonstrate that you have a good flexible work policy and you've educated your people, you're giving people resources to flexible work, you're meeting those obligations and it's the same with sexual harassment, there is criteria in there.

The other thing that is really important in the Gender Equality Act is this notion of intersectionality and the Equal Opportunity Act is really at the heart of that - 19 protected attributes and we well know we're not just a gender or parent or a care, someone with a disability, we are a range of those attributes. That's what is known as intersectionality. That's really critical too to ensuring employers understanding intersectionality and now it impacts someone's access to equal opportunity and it's important to both those pieces of legislation and

it's written into the Gender Equality Act. So all of these resources take that into account and help employers understand how to support people regardless of the circumstances.

Another tool - I'm just going to go to very quickly; I think we have about a minute to show. And it is in terms of sexual harassment where it does help workplaces and it is our sexual harassment chatbot. This is just a quick screen shot and we're encouraging for people to jump online and try these tools. We'll have the links up. But I'll just let people know that, again, this is designed to be a tool that can be used very, very privately and personally, and we know this is when people have had these conversations with friends and family members but there are different pathways. So you can use it if you've seen something - as a bystander or a witness - or heard something that you think is of a sexual nature and you don't know, and the chatbot will tell you whether or not that is sexual harassment. You can use it if something has happened to you and you want to know if you've experienced sexual harassment and what to do next, where you can get help, how to talk to someone about it or if you're a manager or a colleague and someone has disclosed this to you because that's often the stumbling block. People don't know what to do with that information and this helps people take the next step to support someone who has experienced sexual harassment, and helps workplaces respond appropriately and in a really supportive and constructive way, to sexual harassment. Okay. So again I'll leave it there. Back to you, Kris.

KRISTEN HILTON: Yes, I think it's a really good point and I've had calls from people over the last couple of weeks and how the public discussion of sexual harassment and assault has traumatized people and has made them recall or want to act on things that have happened in the workplace. They might have been quite recent, or they might have been historical. And it might be possible that people listening to today's session have experienced something like that or know someone who has experienced something like that.

So I wanted to end today's session by letting you know that still one of the things that we hear about is people's lack of confidence and trust in their organisations complaint or reporting systems. And that is why we think that it's critical that there are independent avenues for reporting and making complaints or raising issues around sexual harassment. So it is a reminder to all of you that we are here, and we can take those reports and we can provide you the information that perhaps has happened to you or someone that you worked with and that is what these chatbots and resources are designed to you. And I think what we've seen I suppose the more awareness, the greater push for structural and systematic change, but there are still individuals who are experiencing this every day, and this is what some of those resources are designed to assist with.

Someone has asked whether or not we've made these slides available. We can put them on our website but all of the resources you've seen here, these are also on our website and we'd really welcome feedback about how useful those tools have been for you to be able to access because we're trying to improve them all the time.

I am conscious that we're pretty much at 3:00, Justine, so on behalf of both of us I want to thank everybody in joining us today and engaging with your questions. Feel free to reach out. Justine,

thank you and your team for putting the resources today. And can I end by reminding everybody that, again, the Commission is here, there are resources available, and there are other organisations out there that support you. Someone said, where do you want us to send feedback? Justine, what is the best place to send feedback?

JUSTINE VAISUTIS: That is a great question. If you go to our website, we have an education e-mail and we have an enquiries email as well. So if you send us an e-mail then we'll be able to help with that then it will come to me and Lauren who manages our team of education consultants.

KRISTEN HILTON: Thank you. And we also put up a little survey which we really encourage people to fill out because that helps us tailor these education sessions more broadly so that you get the information that is going to be useful to you. So thank you, everyone, for joining us today. Happy International Women's Day week and I look forward to seeing you in the upcoming sessions. Thank you very much.

(End of transcript)