

# Sexual Harassment Survey

Findings

April 2023



## Background

In August 2022 a survey of CSV employees, judiciary and VCAT members was conducted by an independent research consultancy as part of Court Services Victoria's ongoing implementation of the recommendations of the Review of Sexual Harassment in Victorian Courts.

Our sincere thanks go to all those who participated in the survey. The findings, released in April 2023, contribute to a better understanding of sexual harassment across CSV, the courts and VCAT. The survey will be readministered over time to track progress and inform our response.

The online anonymous survey examined:

- the prevalence of sexual harassment
- the nature of sexual harassment
- the reporting by both victims and witnesses, and
- the training, reporting and complaints handling processes.

The survey had a 23% response rate (686 responses from 2983) which provides a statistically robust basis for analysis. However, steps were taken to overcome the non-response bias inherent in surveys of this kind.

These are the findings of the survey and an update about our response.

## Key findings and actions

### 1 Experience of sexual harassment

- Of the 686 respondents, 137 (22%) reported they have personally experienced sexual harassment while working in a courts workplace. This figure was below the rate found by the Victorian Legal Services Board and Commission in relation to the legal profession (36%).
- The most common types of sexual harassment experienced were sexual suggestive comments or 'jokes' and intrusive questions about private life or physical appearance. This is consistent with results seen in the Victorian legal profession.
- Physical forms of sexual harassment were reported by 50 people.
- Of the 137 incidents, 51 occurred over five years ago. Lower numbers were recorded during the height of the pandemic. 27 incidents had occurred in the 12 months before the survey.
- 147 people reported witnessing sexual harassment in the workplace and 192 had heard of an incident of sexual harassment directly from the victim.
- The results reflect the broadly gendered experience of sexual harassment with women making up 82% of those who had experienced sexual harassment and men making up 92% of harassers.
- Workplace power imbalances were also reflected in the results. Sexual harassment of younger women, and by older men were more prevalent. 59% reported that the harasser held a more senior position. 43 people reported another CSV employee as the harasser and 31 reported a judicial officer.
- Half of those who had personally experienced sexual harassment stated the most recent incident was part of a series or pattern of incidences.
- 91% of those who had personally experienced sexual harassment said they had suffered at least one negative short-term effect and 41% said they experienced a negative long-term effect. Most common was difficulty continuing to work in the same place. Other effects included adverse impacts on mental health, physical health, well-being and self-esteem.
- When asked about what can be improved 24% of respondents made comments about training and education.

## **1.1 ACTIONS TO RESPOND TO AND PREVENT SEXUAL HARASSMENT**

The results of the survey confirm that sexual harassment is still experienced in Victoria's courts and tribunal workplaces with significant negative effects. To respond to and prevent sexual harassment in our workplaces, ongoing performance metrics are in place for people managers and supervisors to make the effective prevention, detection and response to sexual harassment the responsibility of all our people.

The results confirm that education and prevention measures must continue to be targeted to all, regardless of role or seniority. Embedding training and professional development on this subject will continue to be an expectation across the organisation, including training on bystander action.

Promotion of gender equality to help reduce gender-based power imbalance will be a priority.

There will be ongoing and consistent championing of a healthy positive workplace culture from those in leadership positions.

There are clear statements in CSV Policy and Judicial Commission Conduct Guidelines that this behaviour is unacceptable.

Sexual harassment risk assessments will continue to be conducted to determine if further preventative actions are required to prevent sexual harassment.

A Respect in the Workplace intranet page has been developed to provide readily accessible information on what inappropriate workplace behaviours are, the contacts and supports available and the resolution options.

## **2 Reporting incidents of sexual harassment**

- Only 22% of those who personally experienced sexual harassment in the workplace reported the incident through any formal or informal channel. 27% of those who had witnessed or been told of an incident reported it in some way.
- The most common reasons for not reporting sexual harassment incidents were the feeling that 'it was easier to keep quiet', that 'others would think I was over-reacting' or they felt it 'was a minor incident'.
- Other common reasons were thinking nothing would change as a result, concern about negative reactions in the workplace, thinking the complaint process would be embarrassing, difficult or complicated and lack of confidence in the system.
- Among bystanders that did not personally report the incident, the main reason for not reporting was that the person who experienced the harassment didn't want them to.
- Suggestions for improvement from respondents included making reporting processes clear, accessible, anonymous and safe.

### **2.1 ACTIONS TO IMPROVE REPORTING OF SEXUAL HARASSMENT**

These results reinforce the need to build confidence in our processes for reporting and ensure a workplace culture that does not tolerate sexual harassment.

We want to have a workplace culture where people feel actively supported to report sexual harassment and are confident that appropriate action will be taken. We acknowledge that there are many factors which mean it may not be an easy step to take. The survey results reinforce the power imbalance often at play. We will continue to put systems in place that take this into account and make it easier for people to take the step of reporting.

Multiple avenues for reporting and support have been established to suit the needs of different people, including an independent third-party trauma-informed reporting and support service, Your Safe Space.

A Contact Officer network is in place so that trusted colleagues, specifically trained to provide support and help advise on reporting options, are available.

A dedicated sexual harassment support service, Agile Mental Health, has been engaged to assist victims of sexual harassment and is free to all employees and judicial officers.

Further work will aim to make the reporting processes clearer, raise awareness about them and make them accessible and easy to navigate for people when they need it.

Those who shared their experience of sexual harassment are encouraged to access support and consider the reporting options available, regardless of when the experience occurred. Information about these can be found on the Respect in the Workplace intranet page.

### **3 Understanding what constitutes sexual harassment**

- The results show that there is a high rate of awareness of the sexual harassment policy, and an awareness of and high level of participation in the sexual harassment training and education undertaken throughout 2021-22 for CSV employees.
- Even though training has occurred, there remains inconsistency in the understanding of the specific behaviours that constitute sexual harassment. This is indicated by the consistently higher number of responses recalling incidents of sexual harassment in answer to questions listing specific behaviours than questions which refer only to the legal definition of sexual harassment.
- Analysis of the findings suggests that regular and targeted training and education on work-related sexual harassment is needed.

#### **3.1 ACTIONS TO IMPROVE UNDERSTANDING OF WHAT SEXUAL HARASSMENT IS**

Responses from survey participants about improvements that could be made reinforce that education and training should be undertaken by everyone working in Victoria's courts and tribunal, irrespective of their position or seniority. There were also suggestions for more interactive and face-to-face training.

Training and professional development sessions will be reviewed to ensure they are equipping people with a full understanding of the behaviours constituting sexual harassment. It is the responsibility of all our people to attend training to understand what constitutes sexual harassment and what to do should you experience or witness related behaviours.

An Awareness Raising Campaign is also being developed to provide clearer examples of sexual harassment and reinforce this understanding. The Respect in the Workplace intranet page also has further definitions of what inappropriate workplace behaviour is, including sexual harassment.

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