

# Sexual Harassment and Respect Report Card

October 2022



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## Preamble

On 14 July 2020, the Attorney-General of Victoria and the Chief Justice of the Supreme Court of Victoria jointly initiated a review of sexual harassment across the Victorian courts and VCAT (the Review), acknowledging the harm that has occurred. The Review was led by Dr Helen Szoke AO, to consider measures to prevent sexual harassment, improve reporting and support for those who experience sexual harassment, raise awareness, and ensure accountability across the state's courts and VCAT.

Dr Szoke's report was released on 19 April 2021 and included 20 recommendations. Four of those recommendations were to the Attorney-General. The remaining 16 were directed to Court Services Victoria (CSV) Heads of Jurisdiction, the Judicial College and Judicial Commission. These were all endorsed by those groups. The report and recommendations together with the response from Courts Council can be found on the [CSV website](#).

This Report Card reflects our commitment to implementation and accountability.

We are committed to creating a safe and inclusive workplace, where sexual harassment, bullying, discrimination, harassment, victimisation and other unlawful or inappropriate behaviour is not tolerated. We want to build trust through transparency about what we have done, and what we continue to do to prevent sexual harassment.

Of the 16 recommendations, 12 are complete and 4 are ongoing or in progress.

Significant changes, driven and co-ordinated by a dedicated Sexual Harassment and Respect team, have been implemented over the last year in response to the Szoke Review, including:

- a comprehensive program of training for staff and judicial officers to help people identify, respond to and call out sexual harassment and other inappropriate behaviours,
- a suite of redrafted policies covering sexual harassment, bullying, discrimination, harassment and victimisation,
- a revised resolution process to support anyone who experiences or witnesses inappropriate workplace behaviour that offers various options for support and resolution,
- Your Safe Space has been introduced, using an external service provider specialising in wellbeing support and providing an independent point of contact for support and resolution guidance.

We thank the many staff, judicial officers and VCAT members who have contributed to this work through participation in workshops and training. We also acknowledge the important work of a dedicated group of contact officers who provide support and advice across the Courts Group. Most importantly, we thank those who have bravely shared their stories as part of the Szoke Review and subsequent work.

**Anne Ferguson**  
Chief Justice and Chair of Courts Council

**Louise Anderson**  
Chief Executive Officer Court Services Victoria

## Response to Recommendations

In response to the Review's recommendations, a dedicated Sexual Harassment and Respect (SHR) team was established in May 2021, charged with implementing the 11 recommendations made to CSV and coordinating efforts to acquit the five recommendations directed to the Chief Justice, Judicial College of Victoria and the Judicial Commission of Victoria.

Progress made to date against the 16 recommendations is noted below.

### Snapshot

<b>Strong &amp; effective leadership driving successful, long term reform</b>				
R1	Champion a healthy positive workplace culture	CSV	Ongoing activity	→
<b>A positive workplace culture</b>				
R2	Sexual Harassment Policy	CSV	Complete	✓
R3	Risk Assessment sexual harassment	CSV	Complete	✓
R4	Review of recruitment of staff working with Judicial Officers	CSV	Complete	✓
R5	Appointment of Judicial Officers	Attorney General		
R6	Appointment of Senior Counsel	Chief Justice	Complete	✓
<b>Diversity and gender equity</b>				
R7	Judicial College Membership	Attorney General		
R8	Equality bench book	Judicial College	Complete	✓
<b>Victim-centred support, reporting and response</b>				
R9	Victim-survivor centred response	CSV	Complete	✓
R10	Changes to Judicial Commission Act	Judicial Commission	Complete	✓
<b>Organisational capability and knowledge</b>				
R11	Awareness Raising Campaign	CSV	In progress	→
R12	Targeted training	CSV	Complete	✓
R13	Education program - judicial officers and VCAT members	Judicial College	In progress	→
R14	Specific expertise to Human Resources Committee	CSV	Complete	✓
<b>Ensuring integrity and accountability</b>				
R15	Amend EO Act and OHS Act	Attorney General		
R16	Review EO Act to enhance systemic powers	Attorney General		
R17	Supplementary Guideline for judicial officers and VCAT members	Judicial Commission	Complete	✓
<b>Effective monitoring and evaluation</b>				
R18	Annual survey	CSV	Complete	✓
R19	Build metrics into performance management	CSV	Complete	✓
R20	Independent Audit	CSV	In progress	→

### **Recommendation 1 – Ongoing activity: Champion a healthy positive workplace culture (CSV)**

Recommendation 1 requires that CSV consistently and visibly champion a healthy, positive workplace culture in all jurisdictions and adopt strategies to prevent sexual harassment.

On release of the Report, the Heads of Jurisdiction, Members of Courts Council and the Chief Executive Officer of Court Services Victoria released a Joint Statement acknowledging the harm done and accepting the recommendations directed to them.

Heads of Jurisdiction and Courts Executive have continued to champion a healthy positive workplace culture and acknowledge the harms experienced by victim-survivors. Examples include:

- reference to the importance of a healthy workplace culture in speeches and communications by Heads of Jurisdiction both internally and externally
- “town hall” meetings within jurisdictions where issues of workplace culture are discussed
- public statements of apology made to victim-survivors.

### **Recommendation 2 – Complete: Sexual Harassment Policy (CSV)**

Recommendation 2 requires that CSV develop, promote and implement a sexual harassment policy that covers all staff and contractors meeting a number of important criteria including setting out clear standards of behaviour, adopting a victim-survivor centred approach and explaining the role of bystanders. The recommendation also required policies to address the consumption of alcohol and consensual personal relationships.

An early decision was made to also develop a bullying, discrimination and harassment policy in tandem with the above suite of policies. This is in recognition that bullying, discrimination and other forms of harassment were also of concern in the Court environment and that these matters can be interlinked with sexual harassment.

The policies were developed through extensive consultations including targeted forums and an all-staff survey. The final suite of policies and guidelines were released to staff and judicial officers/VCAT members in February 2022 and have been promoted through a comprehensive training program.

### **Recommendation 3 – Complete: Risk Assessment (CSV)**

Recommendation 3 requires CSV undertake a risk assessment of CSV, the courts and VCAT, to identify and assess all sexual harassment work hazards, using a work health and safety risk framework.

A draft risk framework was developed, and consultation was undertaken with Judicial Officers and VCAT members in each jurisdiction, and CSV staff including women in their first 12 months of employment, associates, Koori staff, the Pride Network and the Health and Safety Representatives.

Four key sexual harassment risks were identified, spanning opportunity, reporting, support to victims and prevention. The risk assessment recognises the profound impact to individual’s lives sexual harassment can cause.

The risks will be reassessed in late 2022 to measure the effectiveness of the program of work to respond to and prevent sexual harassment in Victorian Courts and VCAT. CSV will continue to monitor the changing environment and re-assess the risks at regular intervals to ensure our responses to prevent sexual harassment remain up to date and relevant.

### **Recommendation 4 – Complete: Recruitment of Staff Working with Judicial Officers (CSV)**

Recommendation 4 requires that CSV commission an independent expert to review and make recommendations to the Courts Council on the recruitment processes and working arrangements for Court Services staff who work in a primary relationship with judicial officers, including associates, tipstaves, and clerks. Particular risk factors exist in these roles due to the inherent power imbalance in the working relationship and the nature of the working environment, therefore specific measures are required to ensure they are able to carry out their duties in a safe and respectful working environment.

The Hon Julie Dodds-Streton KC assisted by Jack O’Connor of Counsel were engaged to undertake this work. They have undertaken an extensive consultation and data gathering exercise during the course of their review. The final report has now been released and work is underway to implement recommendations.

### **Recommendation 6 – Complete: Appointment of Senior Counsel (Chief Justice)**

Recommendation 6 requires the Chief Justice amend the appointment criteria for Senior Counsel to better assess applicant character and previous conduct. The amendments should:

- a) provide that Senior Counsel must be recognised as being of good character and must always demonstrate professional respect and courtesy for their colleagues, clients and others involved in the legal process;
- b) include a clear statement that the Chief Justice will consult with the Victorian Legal Services Board and Commissioner and professional associations representing women lawyers and lawyers from minority groups about prospective appointments; and
- c) add a requirement that applicants for silk must have completed a prescribed sexual harassment awareness training course within the previous two years.

The appointment process has been amended and the Chief Justice has approved a program developed by the Victorian Bar as the prescribed training course for all future applicants for Senior Counsel. Applicants for silk undertook this course in August 2022.

### **Recommendation 8 – Complete: Expand Disability Access Bench Book (Judicial College)**

Recommendation 8 requires the Judicial College of Victoria to expand the Disability Access Bench Book into an Equality Bench Book, providing information about other protected attributes.

The Judicial College has compiled educational material on sexual harassment and the courts. This approach, adopted in consultation with Dr Szoke, fulfils the spirit of the recommendation by providing on-demand reading (as well as viewing and listening) material on the nature, drivers, manifestations, and risk factors for sexual harassment. The result is the College's sexual harassment resources page on its [website](#).

These resources include information on Victorian and other jurisdiction responses to sexual harassment, understanding, preventing, and responding to sexual harassment and a collection of wider reading. The resource is available for both the judicial and public audience (although some of the content is viewable by judicial officers only).

### **Recommendation 9 – Complete: Victim-survivor centred response (CSV)**

Recommendation 9 required that CSV adopt victim-survivor-centred responses to gender-related misconduct that prioritise the safety and wellbeing of the victim-survivor and provides multiple channels and support for reporting gender-related misconduct, including sexual harassment.

A complaints process and a Contact Officer network were launched when the Review was released. The Contact Officer network is working well. Contact Officers are spread across jurisdictions. They have been trained by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), receive additional training on a quarterly basis and are supported through regular community of practice sessions.

Feedback from risk (Recommendation 3) and policy (Recommendation 2) consultations held with staff, judicial officers and VCAT members identified opportunities to improve the complaints process and supports for staff. In December 2021, the SHR team issued a survey to all staff seeking input to help shape a revised complaints process. From that, 90 per cent of respondents supported or strongly supported the addition of an independent reporting option that is external to CSV.

A revised complaints process was introduced from 20 June 2022 with an independent reporting and support option staffed by trauma informed specialists. This service, referred to as Your Safe Space, provides options for anonymous reporting, and support options as well as ongoing case management for instances of inappropriate workplace behaviours, including sexual harassment.

The process will be continually monitored by CSV to determine its effectiveness and ensure it continues to meet the needs of the Courts Group.

### **Recommendation 10 – Complete: Review changes to Judicial Commission Act (Judicial Commission)**

Recommendation 10 requires the Judicial Commission of Victoria to consider, and if appropriate make recommendations to the Attorney-General for legislative amendments to the *Judicial Commission of Victoria Act 2016* to strengthen sexual harassment complaint and investigation processes. The review has been undertaken and potential legislative amendments developed at a high level.

### **Recommendation 11 – In progress: Awareness Raising Campaign (CSV)**

Recommendation 11 requires CSV develop a coordinated awareness-raising campaign for the Courts, VCAT and the wider legal profession on appropriate behaviour within the courts and VCAT.

Work is underway across the jurisdictions, VCAT and the legal profession to promote what is being done to respond to and prevent sexual harassment. A dedicated list of sexual harassment reporting avenues has been published for those wanting to raise a concern or report an instance of sexual harassment to the relevant entity across the profession. An awareness raising campaign is in development and will cover activities across the courts and VCAT and the wider legal profession, including targeted messaging to key audiences, printed collateral promoting Your Safe Space and multimedia elements. This work remains ongoing and will evolve over time.

### **Recommendation 12 – Complete: Targeted training (CSV)**

Recommendation 12 requires CSV provide targeted sexual harassment, gender inequality and discrimination training to all CSV staff and contractors that is delivered by independent experts.

Since October 2021, the SHR team have been progressively delivering sexual harassment training across CSV with an external training partner for the CEO Executive Group, People and Culture People Leadership Group, Contact Officer Group, Koori Staff Network, Koori Elders and Respected Persons and Koori Leaders and CSV Managers. An all-staff online training module has been delivered with all staff required to complete this as part of their professional development for 2021/2022. A suite of guidance material has also been made available for CSV staff on the SHR team's resource hub on the intranet.

Further quarterly training sessions for particular groups are taking place throughout 2022. All new staff will be required to complete the online module as part of their induction. Online refresher training is being developed and all staff will be required to complete this as part of their 2022-23 professional development. New managers will be required to attend a face-to-face session specifically for managers.

The training program will be continuously reviewed to ensure it is up to date and aligned with relevant policies and guidelines and complements the training program being rolled out to judicial officers through the Judicial College of Victoria.

### **Recommendation 13 – In progress: Education program for judicial officers and VCAT members (Judicial College)**

Recommendation 13 requires the College to implement an education program for existing and newly appointed judicial officers and VCAT members on gender equality and the nature, drivers and impacts of sexual harassment, gender inequality and discrimination.

The Judicial College has developed a number of education sessions for judicial officers on preventing and addressing sexual harassment, as well as bystander training. The first "Courts as Workplaces" session was held in May 2022 with the first "Bystander Training" session following soon after in June 2022. Multiple repeat sessions are being delivered in the second half of 2022. The sessions are available to all Victorian judicial officers and are being offered across the jurisdictions.

The College has also delivered a podcast for all judicial officers and CSV staff on "What does the Szoke Report mean for me?". Further sessions and/or podcasts to follow include understanding the complaints and resolution processes; developing staff management capability; and hearing about the experiences of close staff and victims' stories.

### **Recommendation 14 – Complete: Specific expertise to HSCC (CSV)**

Recommendation 14 requires CSV appoint an additional person with specific expertise in the prevention of sexual harassment and organisational change to join the Health Safety and Culture Committee (HSCC).

In September 2021, Kieran Pender was appointed as the independent member of the HSCC. Mr Pender is a leading expert on workplace sexual harassment, bullying and equality and has worked on issues that interface with the law and sexual harassment in an international and national context. Mr Pender was a former member of the Advisory Committee of the Review of Sexual Harassment in Victorian Courts.

### **Recommendation 17 – Complete: Supplementary guidelines for judicial officers and VCAT members (Judicial Commission)**

Recommendation 17 requires the Commission to publish a supplementary guideline for judicial officers and members of VCAT dealing with sexual harassment and the standard of behaviour expected of them. To the extent possible and appropriate the guideline is to be consistent with and cover the same subject matter as the CSV policy under Recommendation 2.

The Commission worked in parallel with CSV in the development of the guideline and CSV policy. The [Guideline](#) for judicial officers and members of VCAT was released on 22 February 2022 at the same time as the CSV policies. Both the guideline and the policies have been promoted to staff and the judiciary.

### **Recommendation 18 – Complete: Sexual harassment survey (CSV)**

Recommendation 18 requires CSV conduct an annual anonymous survey of all court and VCAT user groups to track progress on incidents of sexual harassment, reporting of incidents and action by bystanders in the courts and VCAT.

The survey was released to all staff, judicial officers and VCAT members on 21 July 2022. The results are being compiled and analysed and it is anticipated will provide helpful insights for the ongoing work of implementing recommendations. Prior to the release of the Courts survey, the SHR team consulted with the Victorian Legal Services Board and Commissioner (VLSBC) on their survey of sexual harassment across the legal profession, conducted in 2020 and published in 2021. The VLSBC survey is consistent with the Australian Human Rights Commission (AHRC) survey instrument used to survey the general population.

The VLSBC aims to survey the profession again in 2023, and the SHR team will continue to work closely with the VLSBC to compare data across the profession and the Courts.

### **Recommendation 19 – Complete: Performance Metrics (CSV)**

Recommendation 19 requires performance metrics be embedded for people managers and supervisors with accountability to effectively prevent, detect and respond to any sexual harassment, and take a victim-survivor centred approach in their responsibilities.

Performance metrics were incorporated into the Performance and Learning Management System (PALMS) for the 2021-22 Performance Cycle as another step in working towards a fair and positive workplace culture.

The performance metrics were reviewed by the People and Culture People Leadership Group in July 2022 for the 2022-23 performance management cycle and a further set of metrics have been included in the 2022-23 Performance Plans for all staff and managers.

The performance metrics will continue to be reviewed and updated on an annual basis, making clear that it is everyone's responsibility to contribute to creating a culture that is free from sexual harassment and other inappropriate workplace behaviours.

### **Recommendation 20 – In progress: Audit (CSV)**

Recommendation 20 requires within two years that CSV commission an independent audit of the implementation of the Review recommendations and the effectiveness of the interventions implemented and make the audit report public.

Planning for the audit has begun and is due to start in early 2023. Making the audit report public assists in keeping those responsible for delivering change accountable.

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