

Victorian Labor is committed to equality and believes that everyone has equal opportunity to advance and to fully participate in our Party's forums, whether as members, employees and volunteer supporters. A key foundation for this involves the creation of safe and inclusive environments for everyone at all levels and forums of the Party.

This document aims to be a **resource for the person who receives a disclosure or complaint about sexual harassment, bullying or discrimination misconduct**. These behaviours can cause physical, emotional, sexual, psychological or economic harm and can happen in the form of harassment, bullying or assaults. It also includes violence perpetuated against those who do not conform to dominant gender stereotypes or those who don't conform to socially accepted gender roles or genders themselves. These actions often express power inequalities between women and men and/or between less dominant groups. Zero tolerance exists for such practices within Victorian Labor. Every member deserves to feel safe and respected when engaged in any Party forum or activity, whether as an employee, volunteer or supporter. For brevity, the document will refer to "member", but this covers all members or volunteers.

1. What is sexual assault?

The [Centre Against Sexual Assault \(CASA\)](#) describes sexual assault as sexual behaviour that someone has not agreed to, where another person uses physical or emotional force against them. This can range from sexual harassment, uninvited touching, remakes, and any coerced sexual act including rape with threats to life. It is never the victim's fault.

2. How to respond if a Member tells you they have been sexually assaulted?

This is likely to be a difficult and highly sensitive conversation. Ensure the member is in a safe environment and if they become distressed ask them if they wish to take a break from the conversation. CASA recommends that discussions with victims/survivors follow a 'Rights Advocacy' based model (ROCA):

- Rights – to information and freedom about choice
- Options – support in making informed decisions
- Control – over processes
- Advocacy – in implementing decisions.

You can inform members of their rights and options (more detail below about support options), and if the matter is related to an ALP-affiliated activity and the victim/survivor chooses to take action, the Party can both provide external support as well as receive a formal complaint to address the alleged perpetrator's behaviour.

To avoid 'story fatigue', it may be best to refer the member to a counselling service in the first instance (see 5(a) overleaf). CASA recommends that responses should at all times recognise the rights of victim/survivors to:

- Be heard and supported;
- Be treated with respect, dignity and sensitivity;
- Communicate in their own language;
- Be given accurate information and options (tell them you need to seek advice if necessary);
- Have control over their choices;
- Choose the way they want to be assisted and have confidentiality and privacy maintained (where possible).

3. What is your role as the person to whom the member has made the disclosure?

Apart from providing them with support options, you can also let them know that they have options to seek action against the alleged perpetrator. Apart from the police, if the incident occurred through the course of ALP-related activities (see section 1.2 within the *Sexual Harassment, Bullying or Discrimination Misconduct Complaints Handling Policy and Procedure* for definitions*), and the member requests our assistance, you can make them aware of their options to lodge a formal complaint. *You can request a copy of the Policy document by contacting State Office on 9933 8500 or at info@vic.alp.org.au

If the incident is not ALP-related, the member can seek redress through either the police and/or the relevant related institution through which the incident may have occurred eg. their workplace, their university etc.

You are not expected to have the specialised skills and resources required to support victims of sexual assault through the recovery process. Sometimes the best way we can help our members is by recognising that we are not equipped to provide the support needed, and to ensure that our members have access to the specialised services that can help. In these cases, your primary role is to facilitate referrals to essential support services like CASA and WIRE (see point 5).

Victorian ALP employees receiving complaints from volunteers may wish to debrief with their supervisor and/or seek further support.

4. If a Member has been sexually assaulted or harassed through their work as an employee or volunteer – what are the industrial or legal options you can advise them of or their union can help them with:

a. Raise the issue with management

If the alleged perpetrator is the worker's supervisor, raise the issue with someone more senior in the team who needs to alert the State Secretary or they can raise it with the State Secretary directly, contactable on 9933 8500.

b. External options

Depending on the circumstances, options may include:

i. Seek support from their [union](#)

ii. Sexual Harassment or Anti-discrimination claims - the Victorian Equal Opportunity & Human Rights Commission ([VEOHRC](#)) or the Victorian Civil Administrative Tribunal ([VCAT](#)):

- "Sexual harassment" under Victorian anti-discrimination law is any unwelcome sexual actions or behaviour which makes a person feel uncomfortable, threatened, offended, humiliated and /or intimidated. It could be physical, verbal or written. For example, inappropriate touching, sexually suggestive behaviour or comments, and offensive posters, emails or messages.
- Some sexual harassment may also be a criminal offence. These include indecent exposure, stalking and sexual assault, as well as obscene or threatening phone calls, letters, emails, text messages and posts on social networking sites.
- In serious cases of sexual harassment, significant damages have been obtained by the victims.

- iii. **Anti-Bullying Proceedings in [Fair Work Commission](#). Orders to stop bullying at work can be obtained from FWC. The definition of bullying is broad enough to cover most sexual harassment; however, the behaviour must be repeated. 'Bullying at work' occurs when:**
 - A person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work; and
 - The behaviour creates a risk to health and safety.
- iv. **Notify [WorkSafe](#)** – sexual assault and harassment is a serious work health and safety hazard and should be dealt with as such. While we think it is important to notify WorkSafe, some unions are not currently satisfied that they are equipped to respond to sexual assault and harassment at work. VTHC's Stop Gendered Violence campaign is seeking greater engagement from WorkSafe on this issue.
- v. **[Work Safe Claim](#)** – if the relevant conduct occurred at work and has caused the member to suffer an injury (physical or psychological), they should consider whether they should lodge a WorkSafe claim or be provided with a referral to workers compensation lawyers.

In some limited circumstances, volunteers may be able to make a WorkSafe claim or anti-bullying application under the *Fair Work Act 2009 (Cth)*.

5. External Referral and Support Options

- a. **[Victoria Police](#)** - If a sexual assault has occurred (as defined in the relevant criminal law), a criminal complaint could be filed against the alleged perpetrator. The member will need to decide that they wish to make a complaint to police, however, the ALP cannot pursue criminal proceedings on behalf of its members. Complaints can be made directly to Victoria Police – their Sexual Offences and Child Abuse Investigation Team (SOCIT) locations and phone numbers across Victoria are [listed here](#).
- b. **CASA** - We also recommend that victims of sexual assault in Victoria contact the [Centre Against Sexual Assault \(CASA\)](#) – 1800 806 292
- c. **Counselling and other support:**
 - [WIRE.org.au](#) - 1300 134 130 – Monday to Friday 9am-5pm
 - **1800 RESPECT** (1800 737 732) – 24 hour telephone and online counselling, information and referral. Website here - <https://www.1800respect.org.au/>
- d. **Legal support** - If there are legal issues outside of the workplace (for example, domestic violence, stalking in or outside of the workplace), support can be provided by [Victorian Legal Aid](#) (pending eligibility) or the [Women's Legal Service](#), a legal service specifically for women experiencing disadvantage who are facing legal issues arising out of relationship breakdown and violence. They can assist with:
 - Protection from family violence (intervention orders)
 - Children living with and spending time with their parents (this used to be called “custody and access” or “residence and contact”)
 - Division of property after separation
 - Separation and divorce
 - Victims of crime applications
 - Child protection.

Sexual Harassment, Bullying, Discrimination & Misconduct - Support Process Resource -



- e. [Victorian Equal Opportunity and Human Rights Commission](#) is an independent statutory body with responsibilities under three laws:
- a. *Equal Opportunity Act 2010*
 - b. *Racial and Religious Tolerance Act 2001*
 - c. Charter of Human Rights and Responsibilities.
 - d. The *Equal Opportunity Act* makes it against the law to discriminate against people on the basis of a number of different personal characteristics.
 - e. The *Racial and Religious Tolerance Act* makes it against the law to vilify people because of their race or religion.
 - f. Under the *Equal Opportunity Act* and the *Racial and Religious Tolerance Act*, the Commission helps people resolve complaints of discrimination, sexual harassment, victimisation and racial or religious vilification through a free, fair and timely dispute resolution service with the aim of achieving a mutual agreement.
 - g. Services provided by the Commission include a free telephone Enquiry Line and a free, fair and timely dispute resolution service.

Lines are open 9am–5pm Monday to Friday. Phone: 1300 891 848/ TTY: 1300 289 621 or email: complaints@veohrc.vic.gov.au

The Victorian ALP acknowledges the support of the National Union of Workers who shared their Support Resource document, which they developed with the assistance of CASA.

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