Victorian Equal Opportunity
and Human Rights Commission

Annual Report 2018–19

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**Victorian Equal Opportunity and Human Rights Commission Annual Report 2018–19**

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The Victorian Equal Opportunity and Human Rights Commission respectfully acknowledges and celebrates the Traditional Owners of the lands throughout Victoria and we pay our respects to their Elders, past and present.

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# Responsible body’s declaration

In accordance with the Financial Management Act 1994, I am pleased to present the Victorian Equal Opportunity and Human Rights Commission’s Annual Report for the year ending 30 June 2019.

Yours sincerely

**Moana Weir – Chairperson
Victorian Equal Opportunity and Human Rights Commission**

# Introduction

The past year has seen very public debate on issues that are at the heart of what the Commission stands for: freedom from sexual harassment and discrimination; better protection for those who face vilification or harm because of their race, religion, sexual orientation or gender identity; much-needed scrutiny into our mental health system; and holding to account the institutions that are entrusted to care for vulnerable members of our communities. We have worked across all of these issues and helped bring a human rights focus to judicial decisions, government policies and practices, education systems, organisational cultures and communities across Victoria.

It is often remarked that Victoria has the most progressive equal opportunity and human rights framework across Australia. While that is true, in some respects we can also see that it is time to consider what greater protections and stronger laws are required to ensure there is appropriate accountability for the protection of equal opportunity and human rights in our workplaces, sporting clubs, hospitals, prisons and schools and how these rights translate for all Victorians.

This year we have advocated for greater powers of enforceability under the Equal Opportunity Act. This would mean increased accountability for employers, service providers and governments to ensure they are preventing discrimination and harassment and that there are more serious consequences when that fails to occur. It would also help shift the heavy burden away from individuals to make complaints.

Enforceability is the pointy end of the system and is necessary in some circumstances, but our work this year also shows how important it is to work with employers, services providers and public authorities in a collaborative and innovative way to help create cultures and systems that are inclusive, respectful and safe.

This year marks the third and final phase of the groundbreaking work we began with Victoria Police in 2015. Phase 3 of our independent review into sex discrimination and sexual harassment analyses the steps Victoria Police has taken to address an entrenched culture of harassment and inequality and what has changed in the organisation as a result. This unique partnership has resulted in a two per cent reduction in the gender pay gap and an almost 20 per cent increase in the uptake of flexible work. Women’s representation at various ranks and roles has also increased, and women comprised 40 per cent of Command appointments between 2015 and 2018.

This year the Commission also piloted Raise It!, a dynamic program supported by the Office for Women that combines digital tools, staff resources and intensive education to help employers and employees tackle difficult conversations about sexual harassment, pregnancy discrimination and flexible work. The success of the approach is evidenced by 85 per cent of participants saying they felt better prepared to make a complaint about sexual harassment and 78 per cent reporting increased confidence to make a request for parental leave or flexible work. In addition to Raise It!, the Commission delivered 367 education and training sessions to 6930 participants.

This year the Commission also conducted a major investigation into discrimination on the basis of mental health in travel insurance. The investigation found that, in an eight-month period, three major travel insurers sold more than 365,000 policies containing terms that discriminated against people with mental health conditions. As a result of this investigation, the insurers who took part all removed, or took steps to remove, discriminatory blanket mental health exclusions from their travel insurance policies.

The Commission also advocates for human rights and equality by making interventions in our legal proceedings. This year we continued our involvement in several ongoing legal cases, which resulted in positive outcomes for those involved, including disability access in residential buildings and the importance of considering Aboriginal cultural rights in court decisions. You can read more about these interventions on page 36.

We also continued to build a human rights culture across the public sector through targeted educations sessions, engaging departmental leadership and working with vulnerable communities to make them more aware of their rights and how to access assistance.

The ability to reach all Victorians is very important for the Commission and this year we focused on improving our accessibility through greater community engagement and the redevelopment of our website which is accessed by more than half a million people every year. The new website and a simplified complaints process will be launched later in 2019.

Much of our work continues to be helping individuals resolve their issues of discrimination. This year we took more than 30 enquiries each day, which led to 910 formal complaints raising almost 2000 discrete issues. Most complaints related to discrimination on the basis of a disability, with the next most common areas of complaint being sex discrimination, race and sexual harassment, and 96 per cent of our clients reported satisfaction with the process and service. We use what we learn through our individual dispute resolution service to advocate for changes to the structures, systems and policies that entrench inequality.

Promoting and protecting human rights is not always easy work. The Commission is lucky to have such talented and dedicated staff and such an engaged and broad range of stakeholders that are similarly dedicated to improving the lives of all Victorians.

**Moana Weir
Chairperson**

**Kristen Hilton
Victorian Equal Opportunity
and Human Rights Commissioner**

### Section 1

# About the Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three pieces of legislation. It reports to Parliament through the Attorney-General.

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| Our lawsThe Equal Opportunity Act 2010 makes it against the law to discriminate against people on the basis of a number of personal characteristics and prohibits sexual harassment and victimisation. It also includes a positive duty, which requires all organisations covered by the law – including government, business, employers and service providers – to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible. The Racial and Religious Tolerance Act 2001 makes it against the law to vilify people because of their race or religion.The Charter of Human Rights and Responsibilities Act 2006 (the Charter) identifies 20 human rights applicable to all Victorians and requires government and public bodies to consider these rights when making laws and providing services.  |

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| Our visionis for a fair, safe and inclusive Victoria where every person is respected and treated with dignity. |

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| Our missionis to engage and influence law and policy makers, institutions, communities and individuals to protect and promote human rights in Victoria. |

## Strategic plan

During 2017–2022 we will focus on four priorities as outlined in our Strategic Plan: Upholding human rights close to home. We set these priorities based on how we can best contribute to the change we want to see, considering our mandate, expertise and the current needs in the community.

This plan sets the direction for our work towards achieving our long-term goals: for human rights to be central to law and policy development, for people to value and stand up for human rights, and for institutions across sectors to champion human rights and develop, adopt and drive leading practice.

The Commission is a dynamic organisation and we will continue to be responsive to matters of public policy, law and practice that concern equality and human rights.

We will continue to evaluate the work we are doing under these priorities and consider the impact it is having in 2019.

### Strategic priorities

Embedding a human rights culture

Improving workplace equality

Protecting human rights in closed environments

Reducing racism

### Our principles

We will ensure that:

we make human rights accessible and resonate for all Victorians

we lead with evidence and research

our work is designed to have a transformative impact

we invest in our people to be the best human rights organisation we can be.

## Organisational structure

The Commissioner leads six branches to deliver the work of the Commission. These branches work in a collaborative way to bring different skills and expertise to focus on particular issues. The Commission has a Board of Governance comprising up to seven members appointed by the Governor-in-Council on the recommendation of the Attorney-General.

#### Executive

The Executive Branch provides strategic and administrative support to the Commissioner and Executive Director, manages relationships with key government stakeholders, coordinates the Commission’s work flow and provides a secretariat function to the Board.

#### Legal and Dispute Resolution

The Legal and Dispute Resolution Branch leads the Commission’s dispute resolution service, its court and tribunal intervention, Charter of Human Rights reporting and investigation functions. It also provides expert legal advice to the Commission.

#### Education and Engagement

The Education and Engagement Branch provides a range of services, including tailored and innovative digital information and education, face-to-face training and consultancy, community capacity building and workplace solutions. These services aim to reduce discrimination, overcome systemic and attitudinal barriers and incorporate an approach to service delivery and decision-making that is based on human rights.

#### Policy and Research

The Policy and Research Branch identifies and addresses systemic equal opportunity and human rights issues in Victoria by providing policy advice and conducting best practice research to build a strong evidence base. The branch also leads the Commission’s reviews of organisational programs and practices to determine compliance with the Equal Opportunity Act and the Charter of Human Rights and Responsibilities.

#### Communications and Campaigns

The Communications and Campaigns Branch manages campaigns to increase awareness, build compliance, and maintain a strong public voice on human rights and equal opportunity issues. The branch manages media liaison and provides specialist expertise and communication services across all the Commission’s functions.

#### Business Services

The Business Services Branch supports and enables a professional, engaged and high-performing workforce and culture and provides organisational support for the Commission’s finance, people and culture, information management and technology, and office administration functions.

### Section 2

# 2018–19 in review

The Commission’s role is to protect and promote human rights in Victoria, and we do this through a range of functions under our laws. These functions cover our important day-to-day work, as well as key projects and initiatives, and enable us to:

resolve complaints

research

educate

advocate

monitor

enforce.

In 2018–19 we undertook a wide range of work under these functions, as well as projects that aim to increase the impact of our work and build a stronger, more effective organisation.

## Resolve complaints

#### We resolve complaints of discrimination, sexual harassment, victimisation and racial and religious vilification through our free and confidential dispute resolution service. We also use the information to inform our work to address systemic discrimination.

### Dispute resolution service review

The Commission provides a dispute resolution service under the Equal Opportunity Act and Racial and Religious Tolerance Act. This service is central to the Commission’s role in protecting and promoting human rights.

In 2018, the Commission commenced a review of its dispute resolution service to improve the way we resolve complaints for members of the community.

We used our dispute resolution principles in the Equal Opportunity Act as guidance for the goals of our services, including that we seek to ensure:

we provide dispute resolution as early as possible

we provide tailored and flexible dispute resolution services

the dispute resolution process is fair to all parties

dispute resolution is voluntary

dispute resolution is consistent with objectives of the Act.

The review identified a number of efficiencies to improve our service delivery. Following the review, the Commission increased staffing levels to the dispute resolution team, leading to a significant improvement in the amount of complaints the Commission is able to allocate and resolve efficiently.

The Commission has commenced a number of new pilots to trial changes to our service, including a greater focus on early dispute resolution. Our goal is to ensure that our dispute resolution service continues to be best practice, as efficient as it can be, and that access is simple and effective.

The Commission’s dispute resolution service is not just about resolving complaints, it is also an opportunity to achieve more systemic change, for example, through educating workplaces on their legal obligations, or facilitating changes to policies and practices for a sporting club, school, government department or hospital.

The experiences we hear about are varied – but consistent across them is the serious impact of discrimination and harassment. The outcomes vary also, from financial compensation to an apology or training being provided in workplaces. There are examples of the complaints we receive throughout this report.

### Complaints

The Commission records data on the number of complainants who request access to the dispute resolution service. A complaint file is created for each complainant. A complaint file may contain a number of different complaint issues (for example, a complaint file might include an issue of sexual harassment in the workplace, as well as discrimination on the basis of race).

The Commission finalised 910 complaint files in 2018–19, including some files that were opened in the previous financial year. While there was a slight drop in the number of issues raised by complainants this year, figures have remained steady and indicate similar patterns for the type and nature of complaints. The most complaints were again about disability discrimination, with 595 complaints being recorded. The next most common area of complaint was race, followed by sex and sexual harassment.

##### Over the past three years, the Commission received the following number of complaint files:

2016–17 748 files raising 1906 issues

2017–18 908 files raising 2246 issues

2018–19 890 files raising 1877 issues

The Commission finalised 76 per cent of complaint files within six months of receipt. Of all complaint files finalised, 35.7 per cent were resolved. Finalised files also consist of those withdrawn by complainant or respondent and where dispute resolution was not offered. Where conciliation was attempted 64 per cent were resolved. A customer satisfaction rating of 96 per cent was achieved.

##### 10 most common attributes of complaint under the Equal Opportunity Act and Racial and Religious Tolerance Act for 2018–19

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| **Attribute** | **Total** |
| Disability | 595 |
| Race | 188 |
| Sex | 169 |
| Sexual harassment | 122 |
| Employment activity | 115 |
| Age | 100 |
| Carer status | 81 |
| Parental Status | 68 |
| Religious belief/activity | 56 |
| Physical features | 39 |

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| Disability discriminationA woman who is legally blind wanted to undertake a legal transcriptionist course via an online education provider. While the course is suitable for people who are blind, the initial enrolment test is not and requires people to have another person (friend or family) to assist them with the test. The woman did not have anyone to assist her and said that even if she did she should be able to do this independently. She made a complaint to the Commission and through the conciliation process the course provider agreed to change the enrolment test for people with visual impairments to be assisted with an audio tape.  |

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| Race discriminationAn Indian woman made a complaint alleging she had to endure repeated racist insults and bullying from a colleague. She alleged that person said ‘these people think that they can come to this country and tell me what to do’ and also ‘I do not want to speak to any Indians’. The woman made two internal complaints about the colleague, and said she did not receive any feedback. After the complaints were made, the colleague would walk past the woman’s desk and say ‘something smells terrible around here’. The respondent said that they took all the complainant’s complaints seriously and spent time and resources investigating the complaints. They agreed to participate in conciliation and the complaint was resolved with an agreement that the respondent pay $15,000 compensation. |

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| Age and gender discrimination A woman working for a public authority alleged she was subject to discrimination and unfavourable treatment due to her age and gender. She said her manager said he wished she would hurry up and retire, and that there were too many women in the office and on their team. The complainant said that she felt undervalued and excluded by these comments. The public authority agreed to attend conciliation at the Commission to resolve the complaint. The complaint was resolved with an agreement that the public authority pay the complainant $50,000 in compensation. |

### Restorative justice scheme

The first recommendation of the Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police – Phase 1 report, released in late 2015, was for a restorative engagement initiative and reparation scheme to be established.

The Commission entered into an arrangement with Victoria Police to establish an interim restorative engagement scheme to resolve complaints about sex discrimination and sexual harassment. This scheme operated as a modified version of the Commission’s existing dispute resolution service and offered victims/survivors an immediate restorative engagement pathway, one not contingent on the full scheme called for in Recommendation 1 being operational.

The interim restorative engagement scheme is open to current and former employees of Victoria Police who have experienced sex discrimination and/or sexual harassment. Eligibility is broad and based on whether a person’s account is plausible. A formal complaint under the Equal Opportunity Act is not needed. Victoria Police and the complainant agree to conciliate the matter at the Commission. As part of the process, a senior representative of Victoria Police attends the conciliation. Following restorative engagement principles, the Commission facilitates a process of learning and acknowledgement over two sessions.

In the first session, the complainant, a Victoria Police representative and a conciliator come together in a safe, facilitated environment, in which the complainant shares what has happened to them and seeks verbal acknowledgement of the harm experienced and an apology. After allowing time for reflection and healing, the parties come together again to reach a mutually acceptable resolution. Common outcomes include a written statement of regret, reinstatement of leave and payment of medical expenses and compensation.

##### Of the 33 complaints received by the Commission, 32 were made by women and one by a man. The most common issues raised in those complaints were:

sex discrimination (27 complaints, or 81.8 per cent of the complaints received)

sexual harassment (25 complaints or 75.8 per cent)

victimisation (15 complaints or 45.5 per cent).

Other issues raised were discrimination on the basis of sexual orientation, parental or carer status and pregnancy. Of the complainants who participated in the scheme, 14 received compensation, 11 received a statement of regret, four had entitlements reinstated and one was transferred to another work location.

### Information service and enquiries

The Commission provides an information service that manages phone, email, webchat, written and in-person enquiries about the Equal Opportunity Act, the Racial and Religious Tolerance Act and the application of the Charter. We also provide individuals and organisations with a range of printed materials that provide information and guidance on the legislation.

In 2018–19, the Commission received 8297 enquiries from people, raising 9868 issues of discrimination. This is a slight decrease on the previous year, partly explained by improved delivery of information about our services to reduce the number of enquiries out of our jurisdiction. Enquiries about religious belief or activity have increased by 21 per cent, which is the highest number of enquiries in a three-year period. Enquiries about criminal records, discriminatory advertisements, employment activity and lawful sexual activity all increased in 2018–19, while sexual harassment and sexual orientation both dropped slightly from last year, when there were higher numbers due to public conversations during the marriage equality debate and the #MeToo movement.

##### In the past three years, the Commission received:

2016–17 8278 enquiries raising 11,210 issues

2017–18 8585 enquiries raising 10,675 issues

2018–19 8297 enquiries raising 9868 issues

In response to direct requests from individuals and organisations, the Commission distributed more than 6000 pieces of printed material in 2018–19, including brochures on discrimination, postcards, magnets, badges, guidelines and research reports.

##### 10 most common issues raised from enquiries

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| **Issue** | **2018–19** |
| Disability | 1710 |
| No jurisdiction | 1137 |
| Race | 607 |
| Sex | 418 |
| Sexual harassment  | 374 |
| Age | 331 |
| Employment activity | 303 |
| Victimisation  | 292 |
| Parental status | 230 |
| Carer status | 207 |

Detailed data on enquiries and complaints can be found in the Appendix.

## Research

We undertake research and policy work to understand and find solutions to systemic causes of discrimination and human rights breaches.

### Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police

#### Phase 3 audit and review

Five years ago, the Commission was approached by Victoria Police to investigate the nature, prevalence, drivers and impact of sex discrimination and sexual harassment, including predatory behaviour, in their organisation. There were several important motivators for this work, but one of the critical questions for Victoria Police was: ‘How can we effectively respond to family and gendered violence if our own organisation is not a safe place for women to come to work?’

Victoria Police, as one of the state’s largest employers, is a microcosm of social, cultural and economic structures, and the story of women in Victoria Police is in many ways tainted by long-standing sex discrimination, inequality and gendered abuse of power. Over the course of five years, the Commission has spent thousands of hours in conversation with women who have been sidelined, denigrated and disrespected in the workplace. We have also seen the organisation develop a deeper understanding of what gender equality looks like and how to embed it.

Throughout 2018–19 the Commission worked on the third and final phase of the independent review.

##### Phase 3 assesses:

the progress Victoria Police has made in implementing the 20 recommendations that the Commission made in the phase 1 report

the state of gender equality in Victoria Police in 2018 and identifies areas where it still needs to improve in order to embed gender equality by 2030.

The Commission intends for the phase 3 report to equip Victoria Police with robust evidence, guidance and recommendations to take this important work forward on its own. The phase 3 audit was released in August 2019.

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| The change so farPrevious work on the review has resulted in key changes to embed gender equality in Victoria Police, including:a new parental leave backfill schemea policy of ‘all-roles flex’specialist units to respond to experiences of workplace harmbetter access to promotional and progression training for employees, regardless of their location or work patternincreased leadership opportunities for women across the organisationnew forums to provide women with a key strategic voice in the organisation reduced risks of workplace for recruits during training. |

#### Proud, visible, safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police

In May 2019, Victoria Police and the Victorian Equal Opportunity and Human Rights Commission released Proud, visible, safe, a report examining the experiences of LGBTIQ employees at Victoria Police in May 2019. The report was launched at a community event at Footscray Police Station to celebrate the International Day against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT) on 17 May.

In the report, Victoria Police employees describe a hypermasculine and heteronormative culture that normalises homophobic attitudes and feeds rigid stereotypes about LGBTIQ employees in some workplaces. The report finds that Victoria Police is committed to building an organisational culture that is safe for LGBTIQ employees – but that it still has work to do.

The report recommends that Victoria Police adopts measures to strengthen its responses to workplace harm against LGBTIQ employees, including by providing clear and consistent pathways for reporting harm, appropriate training for staff and the importance of strong and visible leadership on LGBTIQ issues.

Proud, visible, safe continues the Commission’s work with Victoria Police to address sex discrimination and sexual harassment, including predatory behaviour, in the organisation.

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| Stories from Victoria Police‘There have been other men in the organisation that have been ‘out’ for longer than I have, and their experiences have been very poor. Because I came ‘out’ as a Sergeant, I had the advantage of rank, but if you’re a Constable ‘out’ in the 1980s it’s harder. Some of them have had terrible physical treatment.’‘When I first joined Victoria Police in 1996, there was an underlying homophobic culture. I believe this was probably a reflection of some of the community’s views also. It would have been extremely difficult to be gay in Victoria Police back then. It took some brave individuals to come ‘out’ and try to change the culture of Victoria Police.’‘From 2013 the organisation has really progressed, it has made significant inroads to make LGBTI a focus area. For example, there is the LGBTI Portfolio within Priority Communities Division. Victoria Police has also participated in Pride in Diversity starting in 2014, through AWEI [the Australian Workplace Equality Index]. It has been a journey of inclusion.’  |

### Practice Guidance: Understanding your rights in the workplace and Victorian anti-discrimination law

The Victorian Equal Opportunity and Human Rights Commission partnered with Our Watch to develop this resource to help employees better understand their legal rights to protection from discrimination, sexual harassment and victimisation, and to a safe and healthy workplace.

Practice Guidance: Understanding your rights in the workplace and Victorian anti-discrimination law supports workplaces to implement standards set as part of the Workplace Equality and Respect project that was funded by the Victorian Government and led by Our Watch. The Workplace Equality and Respect project is a broader piece of work that aims to equip Victorian workplaces with the knowledge, skills and resources they need to create gender equitable structures, norms and practices.

### Aboriginal cultural rights in youth justice centres

In July 2018, the Commission, together with the Commission for Children and Young People, published Aboriginal cultural rights in youth justice centres. The report drew on findings that strong cultural identity and connection to culture, country and community is a protective factor for the social and emotional wellbeing of Koori young people.

The report found that Aboriginal communities want to see significant improvement in the frequency, quality and evaluation of programs to protect and promote Aboriginal cultural rights. The report makes a number of recommendations to improve the cultural connection for Aboriginal youth in youth justice centres, and to build the awareness, understanding and use of cultural rights for those involved with youth justice centres. It calls on the Department of Justice and Community Safety to develop a social and emotional wellbeing strategy for Koori children in custody.

The Government is currently developing an Aboriginal Youth Justice Strategy, which will be informed by our report and recommendations.

### Racism in sport resources

In late 2018 the Commission partnered with Vicsport to produce a video and suite of resources to help Victorians challenge racism when it appears in a sporting context. The project was funded by Sport and Recreation Victoria.

The video features Aboriginal sportspeople talking about their experiences of racism and their ideas about how it should be handled – not just by themselves, but also with support and intervention from friends, teammates, coaches and other sporting officials.

Two written resources were developed: Racism is against the rules: a guide for sporting clubs and organisations and Racism is against the rules: a guide for players.

Both resources offer information on addressing racism as well as contact details for organisations who can help, and also explain the obligations that sporting clubs and organisations have to ensure there is no place for racism in sport.

## Educate

We provide information to help people understand and assert their rights. We conduct reviews of programs and practices to help organisations comply with their equal opportunity and human rights obligations. We also provide an education and consultancy service to government, business and the community to drive leading practice in equality, diversity and human rights.

### Human rights and equal opportunity training

The Education and Engagement branch delivers the Commission’s human rights and equal opportunity education and training through general enrolment programs, tailored workshops and organisational consultancy.

In 2018–19 the Commission delivered 367 education and training sessions to 6930 participants. This included 19 general enrolment sessions and 348 tailored sessions and speaking engagements delivered to private sector, government and community organisations. Our average customer satisfaction rating for the year was 87 per cent.

The Education and Engagement Branch also continued to build the Commission’s consulting practice, working with community, corporate and government stakeholders to drive leading practice in diversity and inclusion, and taking a collaborative approach to developing practical and tailored equal opportunity and human rights action plans. In 2018–19 we delivered tailored diagnostic reviews for employers and commenced a significant end-to-end program of work to support WorkSafe Victoria develop its inaugural Diversity and Inclusion Strategy and Action Plan.

### Raise It! Conversations about sexual harassment and workplace equality

Raise It! was an innovative pilot project delivered in 2018–19 that was designed to help Victorian workers have constructive conversations to challenge discrimination and its root causes, and to build confidence and competence to have safe conversations about sexual harassment, pregnancy, parental leave and access to flexible work. The Commission undertook this work as research shows many people find talking about such topics very difficult and often do not know where to start to address inappropriate behaviour. Having a sexual harassment or flexible work policy is vital, but being able to put it into action is sometimes harder.

The Commission developed a series of activities for seven pilot sites to engage with, including a policy wellness check, tailored education program and a series of digital and hard-copy conversation starter toolkits.

An independent evaluation of the project was conducted, and a report delivered in May 2019 found that the pilot increased the awareness, knowledge and skills of participants about identifying, preventing and responding to sexual harassment and discrimination regarding flexible work, pregnancy and parental leave. Importantly, 85 per cent of participants said they feel better prepared to make a complaint about sexual harassment and 78 per cent reported increased confidence to make a request for parental leave or flexible work.

Several pilot sites have continued their partnership with the Commission to roll out an enhanced version of the program across their organisation.

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| Raise It! ToolkitsConversation starter kitThis mixed-media kit helps team leaders identify and schedule conversation topics to share with their teams, provides conversation prompts and aims to create safe workplaces where these conversations are embedded into every day at work.Flexible work request planner A digital toolkit providing pathways for both managers and employees to identify key talking points to have a practical, informed discussion about flexible work requests.Sexual harassment support and response tool Provides victims/survivors with information and support services, and bystanders with options they can take to challenge behaviour at work that may have crossed the line.Parental leave and pregnancy plannerA digital toolkit providing information about rights and pathways for managers and employees to make a tailored plan to talk about adjustments to work while pregnant, request parental leave and talk about return to work. Raise It! Pilot sitesArts Centre Melbourne Ambulance Victoria Games Development Association of Australia and The Arcade Plan International Australia Monash City Council Museums VictoriaYarra City Council  |

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| Sexual harassment discriminationA young woman worked for a hotel company and experienced a series of issues with one of her managers that lead to her making a complaint to the Commission. She alleged that the manager would criticise her performance in front of colleagues and that she was targeted more than other colleagues. She alleged that she was chastised for crying at work, called ‘weak’, and punished for ‘transgressions’ such as taking sick days. Her allegations also included that her male manager told her what to wear and who she could see outside of work, punishing her at work if she saw someone he did not want her to see. She said that the manager drove her out of town to work at another location, booked accommodation together, and then coerced her into a sexual relationship. She believed that everything done before this time had been to ‘groom’ her for this specific moment. She felt he had isolated her from her family and friends and left her dependent on him. After reporting her manager’s sexual harassment, she found out he had told people she had a mental illness, to damage her credibility. There was an internal investigation following her complaint, but she felt it was incompetent and caused her further suffering. She then made a complaint to the Commission.The respondent denied the allegations of sexual harassment and discrimination but agreed to attend conciliation at the Commission to resolve the complaint. The matter was resolved with an agreement that the complainant would resign, and that respondent would pay $43,317.43 for pain and suffering, and $1682.57 in leave entitlements.  |

### Charter Education Program: Building a Culture of Human Rights in the Victorian Public Sector

This education program is a collaboration between the Commission and the Human Rights Unit of the Victorian Department of Justice and Community Safety.

The program supports public authorities in Victoria make human rights part of the everyday business of government. Throughout 2018–19 the Commission partnered with targeted public authorities to build human rights culture in the Victorian public sector (VPS) through the delivery of three key outputs:

tailored education services to departments and agencies on how to apply the Charter to their workplace

a suite of six online Charter education modules for VPS staff

support to leaders across the VPS including the Charter Leaders Group.

#### Tailored education services

The Commission, together with the Human Rights Unit, delivered more than 450 education sessions on rights and obligations under the Charter for duty holders across the VPS, reaching more than 7800 public sector staff in face-to-face education sessions.

Among those public authorities engaged in the Charter Education Program, Corrections Victoria has undertaken Charter education services for leadership and supervisors in all adult prisons.

#### Charter of Human Rights online education program

In December 2018, the Commission launched six online education modules targeted toward the Victorian public sector and local government. The purpose of the modules is to introduce public sector staff to the Charter and provide a baseline awareness of rights and obligations under the Charter.

The six modules cover the following topics:

an overview of the Charter

protected rights and obligations under the Charter

what it means to build a culture of human rights in Victoria

complaints and remedies

the Legislative process

courts and tribunals

As of June 2019, 334 people registered to complete the online learning program.

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| Case study: Barwon Prison‘One of the most telling moments for me was when I realised that I’m not hamstrung or hindered if I use the Charter in my job. This is something people worry about. ‘For example, I got a chance to use the Charter on the same day I received the Charter training, and it led to a positive outcome. ‘We had a challenging prisoner who was very aware of the Charter and his human rights, as a lot of prisoners are. He was in a holding cell and was required to produce a urine sample. However, he was demanding to the prison staff that he wanted his lunch, and that it was against his human rights not to give it to him. ‘We identified that the prisoner’s human rights were engaged – he was hungry and had the right to be treated with dignity as a person. However, in this situation, providing him lunch would compromise the process, and we would only be delaying his lunch for a short time. We communicated to the prisoner that we’d considered his human rights but had decided it was justified to limit them in these circumstances. The prison staff rang me later and they told me that they couldn’t believe how willingly the prisoner accepted the decision after that had been communicated to him.‘Considering the prisoner’s human rights absolutely changed the situation for the better. I’ve always been about fairness and equality anyway, as a person. But that gave me a real insight into what we are required to do under the Charter. The reality is that we work in an environment where we have to limit a prisoner’s human rights from time to time.’ |

#### Public sector leaders and the Charter Leaders Group

The Charter Education Program recognises that Charter education alone will not drive a culture of human rights. Leaders are central to efforts to build and sustain a positive human rights culture. The program is working with managers and leadership in partnering agencies to emphasise the role of leadership in promoting education activities as well as broader actions leaders may take under the Commission’s human rights indicator framework. See page 36 for more information about the indicator framework.

The Charter Education Program is also supporting the work of the Charter Leaders Group (CLG), appointed by the Victorian Secretaries Board, to promote human rights and embed a human rights culture within the Victorian Public Sector.

The CLG was formed in early 2018 and comprises senior executive sponsors from each department, Victoria Police and Victorian Public Sector Commission. The purpose of the CLG is to give practical effect to the Charter by testing, demonstrating and role modelling how leadership can embed human rights practice in organisational core documents, systems and operational capacity.

The results have already indicated there is a growing understanding of human rights within the sector. The results from the 2018 VPS People Matters Survey suggest that public sector staff have increased awareness of how to apply the Charter in their day to day work.  In response to the question, ‘I understand how the Charter applies to my work’, there was a 15 per cent increase in the number of staff who ‘agree’ or ‘strongly agree’ in 2018 (overall 76.2 per cent) as compared to the previous year (61.2 per cent in 2017).

### Human rights in schools

In June 2018, the Commission commenced a project with the Department of Education and Training (DET) to promote a human rights approach to diversity and inclusion in Victorian schools.

This project has its origins in Held Back, a major research project the Commission undertook with DET in 2013, which focused on the needs of students with disabilities vulnerable to experiences of discrimination, and human rights abuses. While ensuring the inclusion of students with a disability continues to be a focus, this project delivered a broadly focused human rights approach that supports schools to improve inclusive practice and protect human rights for all students and their families.

The first stage of the work involved a close look at education settings to help identify leading practice and focus areas for human rights initiatives in schools. These findings were used to develop and deliver a professional education program, in partnership with DET, with more than 128 education professionals from 43 schools participating.

The second stage of the work engaged eight pilot schools to undertake a program of work to build sustainable commitment, staff capability and community engagement for embedding a human rights approach to diversity and inclusion as a long-term vision.

The project design includes:

a wellness check process to inform the development of a tailored human rights action plan for each school

a whole-of-school professional learning program

a coaching program for school-based project leaders to build their capacity to lead this work in schools

a suite of human-centred designed tools to consolidate and deepen the knowledge and skills of school staff to apply a human rights approach, and support schools to engage positively with parent and carer communities

a community forum to inform parent and carer communities of their rights, and their role in promoting rights respecting school cultures.

The project concluded on 30 June, and we will continue working with DET to assess project resources and outcomes to inform the next stages of work.

### The Charter of Human Rights and Responsibilities – A guide for Victorian public sector workers (second edition)

To help public authorities apply the Charter in their day-to-day work and build a human rights culture, the Commission has revised its guide for VPS workers.

This second edition of the guide supports the Victorian Government’s renewed commitment to human rights education and the work the Commission is doing alongside public authorities to put people’s human rights at the heart of the public service. The guide is designed as a practical tool to help public sector employees build their human rights knowledge and capability to contribute to a strong human rights culture. This edition also includes a step-by-step instruction to guide public sector staff on how to act compatibly with human rights and give proper consideration to human rights when making decisions.

The guide also helps simplify the obligation of public authorities – including government departments, local councils, and public sector employees – to give proper consideration to human rights when making a decision and to act compatibly with human rights. This reflects developments by courts and tribunals to clarify the operation of the Charter.

### Working with diverse communities

Under the strategic priority of Reducing Racism, the Commission has undertaken several projects to raise awareness about people’s rights under our laws.

#### Multicultural and Multifaith Engagement Action Plan

The Multicultural and Multifaith Engagement Action Plan (MMEAP) was launched in 2018 after an extensive consultation with multicultural and multifaith community leaders and members, key community agencies and advocates.

The MMEAP is designed to ensure greater numbers of Victorians from multicultural and multifaith communities, and their advocates, have the confidence and information to access the Commission and exercise their rights. This important piece of work is aligned with the Commission’s five-year Strategic Plan and, in particular, the priority area of Reducing Racism.

Promoting and protecting the human rights of multicultural and multifaith people in Victoria contributes to the promotion and protection of human rights for all people in Victoria. Further, the MMEAP contributes to the Commission’s vision of making Victoria a more inclusive place where all people are treated with dignity and respect.

The Commission has heard from many people who have experienced racism and who often do not make a complaint, either for fear of a negative impact such as losing their job or accommodation, or because they are not aware of how the Commission can help.

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| What we heardA woman who worked as Vietnamese interpreter in a hospital who was denied leave for the Lunar New Year because her manager did not recognise its cultural significance. A young retail worker whose parents told us how her co-workers called her ‘Chinese-y’ and imitated her accent. Her manager knew about the behaviour but did nothing. Aboriginal Victorians have shared with us the unfair treatment they often receive in the provision of goods and services. One woman told us about how a doctor had refused to treat her unless she paid up front; another told us about how she and her daughters were followed around a store while shopping and then subjected to bag checks when no other customers were. They felt shamed and humiliated.  |

##### Reducing Racism Project

The Reducing Racism project is embedded in the MMEAP and is dedicated to addressing the harmful and persistent racism, religious discrimination and racial and religious vilification experienced by multifaith African communities and the Muslim community.

By partnering with organisations who work closely with various African and Muslim groups, the project aims to empower these groups to exercise their rights and to report incidents of harm. The project’s elements include:

delivering co-designed education programs

establishing an African Ambassadors program

creating an information campaign based on storytelling

developing a digital reporting tool to provide new entry points for people to report discrimination or vilification to the Commission.

##### Co-designed education programs and resources

The Commission has delivered tailored training programs to community and local government organisations to not only provide information on human rights and equal opportunity, but also to empower participants to deliver their own information sessions.

A variety of co-designed programs and resources have been delivered to organisations including:

Australian Muslim Women’s Centre for Human Rights

Ethnic Council of Shepparton and District

Islamic Council of Victoria

City of Whittlesea, City of Darebin and City of Yarra

to provide co-designed and collaborative workshops to members of their culturally diverse communities.

African Ambassador program

The Commission partnered with the Nelson Mandela Day Commemorative Committee to deliver a training program to African Victorians aged between 17 and 36. A total of 23 participants received training on leadership skills, conflict resolution, the southern African philosophy of ubuntu and human rights and equal opportunity laws.

This was followed by a series of human rights advocacy, storytelling and community engagement skills sessions for 10 participants who wanted to commit to sharing their knowledge to the wider community. A graduation ceremony for the ambassadors was held and attended by key stakeholders from community and government, including the Parliamentary Secretary for Multicultural Affairs Josh Bull.

Storytelling campaign

In discussions with members of Victoria’s multicultural and multifaith communities, the stories of racism and vilification are powerful and ever-present. Stories like these show how important it is to continue efforts to create a fair, safe and inclusive community, and how important it is to listen to people who experience racism.

The Commission worked with three young African Australians to hear about their everyday experiences of racism and to develop short films to explain the impact these experiences have had. The films give great insight into the issue of racism, and individual and community responses, as well as their vision for a more unified Australia.

Pilot of a new digital reporting tool

In partnership with Code for Australia, the Commission developed a community reporting tool that provides new pathways for people to access the Commission. The tool is a simple form that is designed to be embedded on the websites of participating community organisations and local councils. The tool allows people visiting those websites to share their experiences of racism and discrimination. These reports are secure, confidential, and delivered directly to the Commission.

The community reporting tool was developed with the goal of offering new engagement opportunities and to increase accessibility of the Commission, particularly for people from African and Muslim communities. To date, 14 councils have expressed interest in the tool, and five have made the tool live on their websites.

##### Community partnerships

The Commission’s approach to engagement under the MMEAP includes reaching out to community groups and organisations to work together on addressing the issues that affect multicultural and multifaith communities.

During 2018–19 the Commission engaged with many organisations, including as a member of the steering committee for Action on Disability in Ethnic Communities (ADEC), an organisation that addresses intersectionality as it applies to culturally diverse community members who also have lived experience of disability. We assisted with the delivery of human rights education programs across Victoria to vulnerable multicultural and multifaith communities. This has included training ADEC’s multicultural workers to deliver education sessions to these communities.

We also contributed to We Stand Together, a long-term project comprising of seven different community stakeholders, including the City of Yarra, to address the persistent and harmful racism incurred by targeted, visible minorities in the municipality of Yarra.

The project takes into consideration the racism that people have experienced at several public housing estates in the area and works with community representatives to build their capacity to raise awareness of human and equal opportunity rights, including how to access the Commission’s services. The project was a finalist in the 2018 VicHealth Awards in the ‘Improving mental wellbeing’ category.

## Advocate

##### We raise awareness across our communities about the importance of equality and human rights, encouraging meaningful debate, leading public discussion and challenging discriminatory views and behaviours.

### Investigation into mental health discrimination in travel insurance

During 2017–18 the Commission completed its investigation into mental health discrimination in the travel insurance industry. The Commission’s report, Fair-minded cover: Investigation into discrimination in the travel insurance industry, details the findings of our Investigation, which looked at the compliance of several Australian travel insurers over an eight-month period.

The investigation focused on three companies that made up around 37 per cent of Australia’s travel insurance industry – Allianz & AGA, Suncorp and World Nomads Group.

The investigation found that, in an eight-month period, these travel insurers sold more than 365,000 policies containing terms that discriminated against people with mental health conditions. These insurers were unable to establish that they could rely on any of the available exceptions under the Equal Opportunity Act to lawfully discriminate.

During the investigation, all three insurers committed to changing their practice of issuing travel insurance policies with a blanket mental health exclusion. This means that some of the largest travel insurers in the Australian market will now provide some cover for mental health conditions.

Fair-minded cover was released in June 2019 and the Commission worked closely with the travel insurers, insurance industry peak bodies, mental health advocates and financial regulators to ensure the report’s recommendations would help to create fairer treatment for people with mental health conditions.

This was the first time the Commission had used its investigation function under the Equal Opportunity Act – an important mechanism for effecting systemic change.

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| Why we investigatedThe difficulties that Victorians can face when they buy travel insurance and make a claim because of a mental health condition was exposed in 2015 by a Victorian Civil and Administrative Tribunal decision. Ella Ingram purchased a travel insurance policy for a school trip to New York in 2011. After experiencing symptoms of depression for the first time, Ella decided not to go on the trip. QBE Insurance denied Ella’s claim for the cost of the trip, relying on a blanket mental health exclusion in the travel insurance policy. Although VCAT found that QBE had discriminated against Ella, the insurer refused to change its discriminatory policy. This issue is not new. Ella’s experience of discrimination added weight to many years of determined advocacy by consumer groups to improve insurance industry practices for people with a mental health condition. However, despite VCAT’s finding, the common practice of travel insurers offering policies with blanket mental health exclusions remained widespread. Aware of the potential for far-reaching discrimination in the industry, the Commission launched this investigation.  |

### Events

Hosting public events give us the opportunity to meet with the Victorian community to listen to their stories and provide information about rights.

Our major annual event, the Human Rights Oration, was delivered in December 2018 by writer Benjamin Law. His speech, titled ‘The kids are alright’, covered the aftermath of his compelling 2017 Quarterly Essay, Moral Panic 101, which examined homophobia and bullying in Australia. Passionate about social justice, he also reflected on the state of human rights in Australia, including the experiences of LGBTIQ young people, and future directions.

The oration was held during the Commission’s second annual Human Rights Week, from 10–16 December 2018. The theme of the week was ‘Human Rights Start With You’ and we encouraged workplaces and organisations to hold their own events to acknowledge the importance of human rights in their own communities. In 2018 there were 19 events held for Human Rights Week – twice as many as the previous year – which shows growing interest in support and engagement for the week.

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| Attending community eventsCommunity engagement is an important part of work the Commission does to connect with different audiences, demonstrate commitment to supporting communities and help all Victorians understand and exercise their rights. Some key engagements this year included:Our Choice Expo – as part of the ‘Having a Say’ conference in 2019, held in Geelong, with a focus on people with disabilityMidsumma Carnival 2019 – Melbourne’s premier LGBTIQ festivalPride March 2019 – a parade for the LGBTIQ community, their supporters and allies, held as part of Midsumma Legal Laneways Breakfast – marking the start of the Victorian Legal YearLaw Week – an annual festival of events that is focused on learning about the law and the legal systemIftar dinner – in partnership with the Islamic Council of Victoria and held at the City Mosque in West Melbourne to acknowledge Ramadan. |

### Engaging with the media

During 2018–19, the Commission engaged with the media to join public discussions about key human rights issues and to ensure that our campaigns, reports and interventions reached communities throughout Victoria. Data provided by our media monitoring service shows that throughout the year we appeared in the media almost 200 times, reaching 14 million people.

As in the year before, discussion of sexual harassment featured prominently in the media during 2018–19 – and we were vocal commentators on this issue. Coinciding with International Women’s Day and our submission to the National Inquiry into Sexual Harassment in Australian Workplaces, we appeared on radio and in print – providing comment in the Herald Sun, The Age, ABC Melbourne and local newspapers – discussing the rise in sexual harassment complaints, gender inequality, the need for stronger legal protections, how discrimination laws could better protect volunteers, and employers’ obligations.

The release of Fair-minded cover, the report on our investigation into mental health discrimination in the travel insurance industry, also attracted wide media coverage. It was discussed by national and state-based media on radio, on TV and online, including interviews with the Commissioner on ABC Radio in Melbourne and Sydney, on ABC’s national News Breakfast TV program and on Triple J’s current affairs program Hack. It was also covered by media in the travel and insurance industries.

The May launch of our report Proud, visible, safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police was supported by a media event at the Victoria Police station in Footscray. It was reported by Channel 9, The Age, The Guardian, ABC Melbourne and Joy FM.

Other key issues we commented on via the media included:

religious exceptions under Victoria’s Equal Opportunity Act and how they apply to education and recruitment

Aboriginal cultural rights under the Charter and our intervention in the coronial inquest into the death of Tanya Day

the Charter’s role in protecting human rights and the legacy of the Holocaust

the 88 per cent increase in race discrimination complaints we saw in 2017–18

our vision for a human rights culture in Victoria during 2019.

### Social media

An important part of the Commission’s engagement comes from social media. Our social media channels, including Facebook, Twitter and LinkedIn, are used as an integral part of our communications and allow us to broadcast our messages, amplify the voices of others, and engage with the community online.

Across all our platforms we have a total of 13,466 fans, and people engaged with our content 43,955 times. We produce a range of multimedia content, including videos, infographics and images to further our engagement with the Victorian community.

Find us at:

Facebook facebook.com/veohrc

Twitter @veohrc and @kristenahilton

YouTube youtube.com/veohrc

LinkedIn bit.ly/LI\_veohrc

### Submissions

#### Submission to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

In October 2018 the Commission made a submission to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, to inform it of the important framework that discrimination law provides regarding insurer conduct, specifically with respect to people with a disability.

In our submission we urged the Royal Commission to consider the role of discrimination law as part of the inquiry, stressing that anti-discrimination regulators need to have robust and fit-for-purpose regulatory mechanisms to ensure those more vulnerable in our community, such as people with a disability, have fair and lawful access to financial services.

#### Submission to the Australian Human Rights Commission’s National Inquiry into Sexual Harassment in Australian Workplaces

In February 2019 the Commission provided a submission to the Australian Human Rights Commission’s national inquiry on workplace sexual harassment.

The submission focused on improving Victoria’s regulation of sexual harassment, primarily by recommending reforms to the Equal Opportunity Act to reinstate and strengthen the Commission’s powers to enforce employers’ positive duty to prevent and address sexual harassment.

Recommendations were also made in relation to strengthening prevention and response, for example through investment in victim-centred complaints, processes and education. In all, we made 15 recommendations to Commonwealth, state and territory governments, as well as other agencies with oversight of workplace sexual harassment issues.

#### Submission to the Victorian Government on its Gender Equality Bill exposure draft

In October 2018 the Commission made a submission to the Victorian Government in relation to its Gender Equality Bill exposure draft. Our submission highlights important opportunities to strengthen the Bill to ensure it is consistent with human rights obligations and leading best practice.

Key recommendations include that:

the legislation should include a robust definition of the term ‘gender’, be inclusive of intersex and trans and gender diverse people and capture intersectional experiences of discrimination and gender inequality

the objectives of the legislation should be strengthened by aligning them more closely with those in the Equal Opportunity Act, the Workplace Gender Equality Act 2012 (Cth) and the Sex Discrimination Act 1984 (Cth)

there should be a single list of minimum standards that defined entities must address in their Gender Equality Action Plans

an agency independent of government should oversee the implementation of the legislation

there should be robust complementary legislation to create an enabling environment for gender equality.

#### Submission to the Royal Commission into Victoria’s Mental Health System Terms of Reference

In January 2019 the Commission made a submission in relation to the Terms of Reference of the Royal Commission into Victoria’s Mental Health System. We recommended that the Terms of Reference address:

discrimination against, and other violations of the rights of, people with mental illness

the role of Victoria’s equal opportunity and human rights laws in improving the lives of people with mental illness.

Recent work the Commission has undertaken in areas such the insurance industry, human rights in closed environments, disability in the education system, and Aboriginal cultural rights make it clear that discrimination and human rights issues have a substantial impact on mental health.

The Commission provided a submission to the Royal Commission into Victoria’s Mental Health System in July 2019.

#### Submission to the Australian Human Rights Commission’s OPCAT Implementation in Australia Consultation – Stage 2

In September 2018 the Commission hosted a round table discussion in collaboration with the Australian Human Rights Commission and provided a submission to the second stage of their consultation regarding the implementation of the Optional Protocol to the Convention Against Torture (OPCAT) in Australia. Effectively implemented, OPCAT will assist in the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by preventing the mistreatment of people in closed environments.

The roundtable was attended by over 30 representatives from government, oversight agencies, and civil society. Attendees provided significant insight into the questions and proposals raised in relation to best practice implementation in Victoria.

### Consultation and committees

#### Disability Reference Group

The Commission established a Disability Reference Group in 2004 to hear directly from people with disabilities about systemic discrimination and human rights issues to help better understand the problems and try and find solutions.

The group includes members who have direct and indirect experience of disability who provide advice about making our services useful and accessible for people with disability, as well as helping us implement our strategic priorities in ways that include the perspectives of people with disability.

The 2016–2018 group concluded in late 2018. Key issues discussed by the group during their term included: accessibility of the Victorian electoral process; OPCAT implementation; accessible employment opportunities; the Victorian justice system; and a discussion of the work of the UN Special Rapporteur on the Rights of Persons with Disabilities. The group also advised on our Disability Action Plan.

The Commission looks forward to working with the next group, with recruitment due to commence next year.

#### Aboriginal Justice Agreement and participation in Aboriginal Justice Forums and the Youth Justice Steering Committee

The Commission has continued to participate in Aboriginal Justice Forums, and the Aboriginal Youth Justice Steering Committee.

The Aboriginal Justice Forum is responsible for overseeing the development, implementation and direction of the fourth Aboriginal Justice Agreement ‘Burra Lotjpa Dunguludja’. The forum provides an opportunity to monitor the development of the agreement, respond to any challenges concerning its implementation, and ensure that it remains responsive and adaptable to Aboriginal justice issues.

The Commission regularly provides updates to the forum on its work to raise awareness and use of cultural rights by the Aboriginal community and respect of cultural rights by public authorities.

The Aboriginal Youth Justice Strategy is being developed in response to the recommendations of the ‘Meeting needs and reducing offending: Youth Justice review and strategy’ and forms part of the youth justice commitments under the Aboriginal Justice Agreement. The development of the first Aboriginal Youth Justice Strategy is an important step in meeting this challenge, and in working towards long term reform and change. The Youth Justice Steering Committee supports the development of the Aboriginal Youth Justice Strategy to address the over representation of Aboriginal children and youth in the justice system and further self-determination.

#### Consultation Across Government and Community

The Commission participates in a range of consultative committees across government and community services, including:

the Expert Advisory Group for the Victorian Government’s Anti-Racism Action Plan with a focus on anti-Semitism and Islamophobia

Anti-Racism Action Plan Working Group with the Department of Premier and Cabinet

LGBTI Justice Working Group with the Department of Justice and Community Safety

the Koorie Youth Council Ngaga-dji working group discussing youth justice issues

the Chief Commissioner of Victoria Police’s Human Rights Strategic Advisory Committee, which is aimed at bringing a high-level stakeholder perspective to the monitoring of Victoria Police’s commitment to and demonstration of our respect for human rights

Victoria Police’s Disability and LGBTI Portfolio Reference Groups, which provide advice, expertise and feedback to assist Victoria Police in their engagement with diverse communities

the Law Institute of Victoria Disability Committee

Ministerial Council for Women’s Equality, chaired by the Minister for Women and Minister for the Prevention of Family Violence. The Council’s purpose is to progress the development and implementation of the policy agenda under Victoria’s gender equality strategy ‘Safe and Strong’

the Ministerial Taskforce on the Prevention of Family Violence and Violence against Women (‘Prevention Taskforce’). The purpose of this taskforce is ongoing co-design, engagement and advice on the implementation of ‘Free from Violence: Victoria’s Strategy for the prevention of family violence and violence against women’ and the future priorities for primary prevention

roundtable on religious freedoms, co-hosted with the Australian Human Rights Commissioner, Ed Santow. Members of several faith groups attended to discuss the problems and potential solutions to the discrimination and vilification faced by members of their faith. The Commission will use the discussion to help inform its position on religious and racial vilification including hate speech, and in future law reform advocacy and research

the Equal Workplaces Advisory Council (EWAC). EWAC’s vision is to achieve gender pay equity in all Victorian workplaces. EWAC’s purpose is to use its unique collective strength, knowledge and experience to guide and advocate to the Victorian Government and to Victorian industry and employers, practical and tangible ways to achieve gender pay equity in Victorian workplaces

the Fire and Emergency Male Champions of Change Group, which is one of nine MCC groups, which activate peer groups of influential male leaders, supports them to step up beside women, and drive the adoption of action on gender equality across private sector and government. The group is chaired by Commissioner Kristen Hilton

the Aboriginal Justice Forum. A meeting of leaders in the Aboriginal community and senior representatives of the Department of Justice and Community Safety, Department of Health and Human Services, Department of Education and Aboriginal Victoria

the Aboriginal Youth Justice Strategy Steering Committee. The Aboriginal Justice Agreement 4 was launched in August 2018. The Steering Committee will oversee the development of the first Youth Justice Strategy in Victoria, and is part of the fourth phase of the Aboriginal Justice Agreement

the Charter Leaders Group. Convened by the Commissioner, this group of executive VPS leaders from each department, together with Victoria Police and the Victorian Public Services Commission, supports the work of the Victorian Secretaries Board to develop a human rights culture by providing leadership and coordination for VPS agencies on the Charter

The Victorian Ombudsman’s Advisory Group to the OPCAT-related investigation into the use of ‘solitary confinement’ involving young people in Victoria. The Commission provided advice on what best practice OPCAT implementation requires in Victoria.

## Monitor

##### We monitor the operation of the Charter of Human Rights and Responsibilities and track Victoria’s progress in protecting fundamental rights.

### Report on the operation of the Charter

In August 2018 the Commission released the 2017 Report on the operation of the Charter of Human Rights and Responsibilities. The report highlights the Charter’s effectiveness in resolving a variety of disputes in 2017, from the Victorian Government’s decision to transfer children to the Grevillea unit within Barwon adult prison to the courts’ treatment of people with a disability.

The Charter was used to protect Victorians in ‘closed environments’ such as care homes, psychiatric wards and prisons; to facilitate cultural rights and self-determination for Aboriginal Victorians; to promote equality and non-discrimination in education; and to align Australia to international human rights standards.

The Charter also helped develop human rights standards across the state. One of the most influential cases – Certain Children v Minister for Families and Children & Ors (No 2) – clarified public bodies’ legal obligations toward vulnerable Victorians. Another case – Matsoukatidou v Yarra Ranges Council – clarified the legal obligations of courts to act compatibly with human rights that affect court proceedings, including the right to equality before the law, the right to a fair hearing and the rights in criminal proceedings.

The report also included an update on the progress of implementation of the recommendations made in the eight-year review of the Charter’s operation in 2015 (2015 Review).

Work is under way for the 2018 Report on the operation of the Charter of Human Rights and Responsibilities, which will include a human rights indicator framework for tracking improvement in human rights culture in Victoria’s public authorities, as outlined in ‘Human rights culture reporting’ on the next page.

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| Human rights culture reporting In 2017 the Victorian Government, endorsed by the Victorian Secretaries Board, recommitted to strengthening its human rights culture. To support this work, the Commission identified the need for a robust system to measure human rights culture in public authorities and to track any improvements.The Commission worked with PwC to do this by creating a methodology to measure and track indicators of human rights culture. The methodology was informed by input from public authorities, community groups and a review of international methodologies, tools and frameworks. It uses a combination of a survey developed with the support of Orima Research, consultation and targeted interviews to measure the strength of human rights culture in individual public authorities.This year the Commission piloted the framework by applying it to an initial group of 35 public authorities. We found some areas of human rights culture that are operating strongly, and some opportunities for further work. We have used the framework to highlight good practice and some practical steps authorities can take to improve their human rights culture. The results will be presented in detail in the 2018 Charter Report.We will test the framework further in coming years to track progress. This will help us both not only celebrate the work public authorities are undertaking to grow their human rights culture, but also provide guidance for areas of improvement and support implementation of the 2015 Review recommendations. |

## Enforce

We intervene in court proceedings to bring an expert independent perspective to cases raising equal opportunity and human rights issues. We conduct investigations to identify and eliminate systemic discrimination.

### Interventions

The Charter and the Equal Opportunity Act enable the Commission to intervene in legal proceedings initiated by other parties. The purpose of the Commission’s power to intervene is for it to be an independent advocate for the interpretation and application of the Charter and the Equal Opportunity Act. In its interventions, the Commission aims to promote the protection of human rights and eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.

#### Interventions under the Equal Opportunity Act

##### Owners Corporation v Anne Black [2018] VSC 337

An important VCAT decision highlighted the importance of owners corporations’ obligations to make reasonable adjustments to accommodate people with disabilities. The Commission intervened in the case to assist the Supreme Court to interpret the relevant sections of the Equal Opportunity Act.

The applicant in the case, Anne Black, has disabilities that made it difficult for her to access the common areas of her apartment building, due to heavy manual doors and an unsafe ramp. Under the Act, people providing services have a positive duty to make reasonable adjustments to accommodate the needs of people with disabilities. Ms Black argued that the owners corporation had discriminated against her by failing to take reasonable steps to allow her access to the common areas of her building due to her physical disability.

VCAT first handed down a decision in this case in February 2018, but the owners corporation for Ms Black’s building appealed the matter to the Supreme Court of Victoria. The appeal focused on whether the owners corporation provided a service to Ms Black. If they did, then an owners corporation would be required to make reasonable adjustments under the Act.

The court found that owners corporations do provide a service under the Act and are therefore obliged to make reasonable adjustments for people with a disability, or they would risk being found to be discriminatory. The matter was sent back to VCAT for an assessment on whether the adjustments being sought by Ms Black were reasonable.

In December 2018, VCAT handed down its decision in Ms Black’s favour. Senior Member Steele found that the adjustments sought by Ms Black were appropriate, having regard to the evidence about her needs and the financial position of the owners corporation. Ms Black was awarded $10,000 compensation, and the owners corporation that manages her apartment building was ordered to install electronic controls for doors and steel kerb rails on an access ramp, as well as widening door clearances.

##### Application by Metropolitan Fire and Emergency Services Board [2019] FWC 106

In 2018, the Fair Work Commission (FWC) considered the meaning of ‘discrimination’ in the Fair Work Act 2009 in an application by the Metropolitan Fire and Emergency Services Board (MFB) for approval of the Operational Staff Agreement 2016. This question has implications for Victorians whose employment is covered by the Fair Work Act.

The Commission intervened in the matter to make submissions to the FWC about the meaning of discrimination, and regarding provisions in the Operational Agreement that the Commission considered could be discriminatory.

In deciding whether to approve the enterprise agreement, the FWC had to be satisfied of the matters set out in section 186 of the Fair Work Act. Part of this assessment included considering whether the Operational Agreement contained discriminatory terms and whether it was consistent with the National Employment Standards. If the Operational Agreement contained discriminatory terms, or was not consistent with the National Employment Standards, the FWC could not approve it.

The FWC found that the Operational Agreement contained terms that were inconsistent with the requirements of the National Employment Standards. It asked the MFB to take further action about these terms, by way of undertakings.

On the meaning of the term ‘discrimination’, the FWC considered it needed to apply a Federal Court decision, which meant that it could only consider terms that directly discriminate. However, were the FWC not bound by that decision, Vice President Gostencnik would have decided (consistent with the Commission’s submission) that ‘discrimination’ includes indirect discrimination. The FWC then identified that terms of the enterprise agreement that limited access to part time working arrangements were indirectly discriminatory and would disproportionately and adversely impact women and employees with family or carer responsibilities.

At the time of writing, the federal Minister for Industrial Relations had sought a review of the FWC decision.

#### Interventions under the Charter

##### Coronial inquest into the death of Tanya Day

In March 2019 the Commission intervened in a coronial inquest into the death of Tanya Day to help the Coroners Court of Victoria understand how the Charter should be used in determining the scope of the inquest.

On 5 December 2017 Ms Day, an Aboriginal woman, was removed from a train and arrested for public drunkenness. Ms Day was taken into police custody, where she hit her head multiple times while in the holding cell. The most significant fall resulted in a brain haemorrhage. Ms Day was eventually transferred to hospital and underwent surgery but did not regain consciousness. She died in hospital on 22 December 2017.

The Commission submitted that several of Ms Day’s human rights, including the right to equality, the right to life and the right to culture needed to be considered. In particular, the Commission highlighted the obligation of public authorities to provide culturally safe and trauma-informed care.

Ms Day’s family requested that, as part of the scope of the inquest, the Coroner consider whether systemic racism contributed to the cause and circumstances of Tanya’s death. In June 2019, the Court ruled that this would be considered and confirmed the application of the Charter to the Coroners Court.

#### Information about ongoing interventions under the Charter

##### Cemino v Cannan and Ors [2018] VSC 535

Following the Commission’s intervention in this matter in 2017–18, the Supreme Court of Victoria confirmed in September 2018 that courts must consider the distinct cultural rights of Aboriginal people under the Victorian Charter of Human Rights and Responsibilities when making decisions in relation to an Aboriginal person’s request to be heard in a Koori Court.

In April 2017 Zayden Cemino, a Yorta Yorta man from Echuca, applied to the Magistrates’ Court to transfer his criminal charges to the closest Koori Court in Shepparton. Although the Koori Court had jurisdiction to deal with the proceedings, the Magistrate refused the transfer. Mr Cemino appealed the decision to the Supreme Court.

The Supreme Court’s decision confirmed that the Magistrate failed to properly take into account Mr Cemino’s right to culture and equality before the law. The Court also recognised the important role that Koori Courts play in addressing systemic disadvantage faced by Aboriginal people in the justice system.

The case has significant implications for Aboriginal people across Victoria and represents a growing recognition by the courts of the importance of cultural rights and how they should be taken into account in individual cases

##### AB (a pseudonym) v CD (a pseudonym) EF (a pseudonym) v CD (a pseudonym) [2018] HCA 58; AB v CD & EF [2017] VSCA 338; AB & EF v CD [2017] VSC 350

The Commission intervened in the proceedings that related to Informer 3838 – the AB & CD v EF proceedings – in the Supreme Court, Court of Appeal and High Court jurisdictions. These proceedings are now commonly referred to as the ‘Lawyer X’ proceedings.

The Commission’s intervention focused on a ‘procedural’ Charter question, concerning whether the Supreme Court could, and should, determine whether the public interest in protecting the identity of a police informer ruled out the Director of Public Prosecutions from providing information that might assist a convicted person to have a conviction quashed.

The Court accepted the Commission’s submission that the Court had to act compatibly with the human rights of the convicted persons (right to a fair hearing and criminal procedure rights), balanced against the rights of Informer 3838 and her children (relevantly the right to life, liberty and security and freedom from arbitrary interference with family).

The courts were assisted by our submissions on how the Charter framework applied to the central issues to be determined.

##### Charter notifications and interventions

|  |  |  |
| --- | --- | --- |
| **Year** | **Notifications** | **Interventions** |
| 2008–09  | 49 | 5 |
| 2009–10  | 44 | 7 |
| 2010–11  | 55 | 9 |
| 2011–12  | 31 | 5 |
| 2012–13  | 30 | 6 |
| 2013–14  | 17 | 5 |
| 2014–15 | 25 | 3 |
| 2015–16 | 26 | 4 |
| 2016–17 | 29 | 5 |
| 2017–18 | 38 | 2 |
| 2018–19 | 27 | 1 |

## Building a strong organisation

### Business plan 2018–20

The Commission’s five-year strategy, Upholding human rights close to home, articulates our focus on four strategic priorities that will drive our vision for a fair, safe and inclusive Victoria. These priorities are based on how we can best contribute to the change we want to see, taking into account our mandate, expertise and current community needs. The Business Plan 2018–20 outlines a program of work under each of these priority areas to contribute to delivering long-term outcomes. It also outlines how we will make an impact through the services we deliver and by bringing our principles to life.

### Implementing our People and Culture Plan

The Commission developed its People and Culture Plan 2018-20, which sets out our commitment to investing in our people and our workplace by embedding our values, nurturing a diverse, inclusive and respectful workforce and ensuring a safe, healthy and productive work environment that aims to bring the best out of our people and make the Commission a great place to work.

Under this plan, the Commission developed its internal Diversity and Inclusion Action Plan 2018–20, which focuses on recruiting and support diverse talent, monitoring and reporting on our progress and continuous learning and development. The Commission also developed its new Disability Action Plan 2018–20, which sets out how we will be accessible to, and inclusive of, people with disabilities – both internally for staff and through the delivery of our services. We also established an internal Diversity and Inclusion Reference Group to oversee the implementation of these key plans.

The Commission also developed a range of leading practice equal opportunity employment policies, guidelines and practices, including an Equal Opportunity Positive Duty policy and procedures, a Family Violence Safety and Support policy and a Workplace Flexibility Policy and supporting toolkit.

### Implementing our Diversity and Inclusion Action Plan

During 2018–19 the Commission developed its 2018–20 Diversity and Inclusion Action Plan which reflects our commitment to be a leader in fostering and sustaining a diverse and inclusive workplace culture so we are operating at our best.

The plan has three focus areas:

recruiting and supporting diverse talent

monitoring and reporting on our progress

continuous learning and development.

The Commission has delivered several initiatives to contribute to delivering the outcomes in the plan, including developing a new recruitment strategy to attract more diverse people to apply for jobs at the Commission and provide better support through the recruitment process, changing our internship program to attract and develop diverse student populations who reflect Victoria’s diversity, and establishing baseline data on our organisational demographic profile.

We also established an internal Diversity and Inclusion Reference Group to oversee the implementation of the plan, monitor progress against the actions and make recommendations to enhance its intended impact.

### Implementing our digital strategy

One of the Commission’s guiding principles in our strategic plan is to prioritise storytelling as a vehicle to help Victorians understand the importance of human rights to their work and lives. To do this we have committed to enhancing our digital presence to ensure our information is accessible and well targeted through all parts of Victoria.

Over the past year we have focused on implementing our digital strategy. We concluded an innovative partnership with Code for Australia to host a small internal digital lab team, which used human-centred design practices to enable us to rethink our digital presence and dispute resolution application process.

Through our digital lab we conducted 32 interviews with stakeholders, existing service users, and potential users in Victoria to better understand any difficulties Victorians experience when trying to access our services online.

We focused on triaging information on our website, improving online complaint form and providing information in digital formats, such as video. We are currently building a new website, which has been informed by extensive user testing. The site will have improved navigation for information delivery, a focus on storytelling and Plain English and easier access for those seeking help in making a complaint. We have also redeveloped the online complaint process for users, after working with stakeholders to identify barriers and have been exploring ways to offer dispute resolution using digital technology.

In 2019, we updated the Victorian Discrimination Law Resource with new legal developments and have worked with online publisher austlii.edu.au to create a digital resource. This will make the VDL accessible through Australia’s most popular online free-access resource for Australian legal information.

This resource provides an overview of the Equal Opportunity Act and an analysis of the case law that helps to guide the application of the Act in practice. It also provides guidance on the scope of, and interaction between, exceptions and exemptions under the Equal Opportunity Act in light of its objective to promote substantive equality.

### Disability Action Plan report card

During 2018–19, the Commission developed its new Disability Action Plan 2018–2020 (DAP). The new DAP sets out how the Commission will be accessible to and inclusive of people with disabilities and use its role to bring about improvements for people with disabilities throughout Victoria. The plan is based around five themes:

our services

our staff

making changes

working together

being accountable.

A report card on the five objectives can be seen on the next page.

| Disability Action Plan report card |
| --- |
| Objective: our premises and services are accessible to, and used by, people with disabilities. | We have maintained our accessibility standards and accreditations in relation to our service delivery and have continued to provide all our core publications in multiple accessible formats. We are in the process of rolling out the next round of disability awareness and accessibility training for staff and implementing actions that were identified in our last accessibility audit undertaken in 2018.  |
| Objective: increase the proportion of staff with a disability and ensure they have the resources they need to do their job. | We have made changes to the way we describe our jobs, where we advertise them and how we conduct our interviews so we can attract more diverse candidates with more diverse experience and support them better through the recruitment process. We have developed a structured internship program which focuses on attracting student populations who reflect Victorian diversity, including students with disabilities. |
| Objective: use our functions to improve outcomes for people in Victoria with disabilities. | We are developing practical education on rights and duties under the Equal Opportunity Act for disability advocates which will focus on how to make effective use of complaint mechanisms. We are consulting with disability advocates in the design process and plan to pilot the training later in 2019, in partnership with the disability advocacy sector.  |
| Objective: work respectfully and effectively with each other and with key stakeholders and learn from experts, particularly those with lived experience of disability.  | We held four meetings with our Disability Reference Group during the year. Key achievements included informing the development of the Commission’s Strategic Plan and Disability Action Plan as well as informing consultations with the UN Special Rapporteur on the Rights of Persons with Disabilities and key agency government agencies and other stakeholders.We also conducted a survey for members of the Disability Reference Group to provide feedback on recommended improvements on the group. The Commission is considering this feedback as we plan the next iteration of the Disability Reference Group.  |
| Objective: this plan is a living document which is actively used by Commission leadership, and it is easy for staff and stakeholders to track our progress. | We publish the Disability Action Plan on our website and share it with the Australian Human Rights Commission, which can collect plans from all Australian organisations. We have also established a Diversity and Inclusion Reference Group who oversees the implementation of our Diversity and Inclusion and Disability Action Plans.  |

### Section 3

# Compliance reporting

### Non-financial disclosures

#### Organisational chart

|  |
| --- |
| **The Board** |
| Moana Weir (Chair) |  | Tim Goodwin |  | Laurinda Gardner |
| Jennifer Huppert |  | Faddy Zouky |  | Matt Finnis |
|   |   | Rebecca Dabbs |   |   |
|  |   |  |   |  |  |   |   |
| Audit and Risk Committee |   | Kristen Hilton (Commissioner) |   | Remuneration Committee |
|   |   |
|  |  |  |   |   |  |  |  |
|  |  |   |   |  |  |  |
|  |  |  | Catherine Dixon (Executive Director) |  |  |  |

### The Board

The Commission has a Board of Governance comprising up to seven members appointed by the Governor-in-Council on the recommendation of the Attorney-General. The Board is responsible for setting the organisation’s strategic direction, as well as policies, priorities and strategies. The Board members provide important links to the broader Victorian community, ensuring the Commission’s work remains relevant and responsive to the human rights issues that touch people every day.

#### Moana Weir (Chairperson)March 2015-current

Moana Weir is a lawyer by background and Board member, with professional experience as company secretary and general counsel of ASX listed entities such as REA (realestate.com.au) and SEEK, as well as serving on the board for V/Line Corporation (2010 to 2013). Moana has 19 years’ senior management experience, leading such areas as legal, regulatory, corporate affairs and risk management. She has a passion for driving real change and better outcomes in equal opportunity and human rights, including in the areas of diversity and inclusion in the workplace.

#### Tim Goodwin

Tim Goodwin is a barrister at the Victorian Bar and practices primarily in commercial and public law. Prior to joining the Bar, Tim worked at Allens as a solicitor for three years in commercial litigation, and in banking and finance.

Tim has a Bachelor of Arts and Laws (with Honours) from the Australian National University and a Master of Laws from Harvard Law School.

Tim is a member of the Yuin people of the South East Coast of New South Wales. He serves on a number of boards, including as a Board Member of the Human Rights Law Centre and a Trustee of the Roberta Sykes Indigenous Education Foundation.

#### Jennifer Huppert

Jennifer Huppert is a lawyer with nearly 30 years’ experience, practising largely in the area of commercial property, and is currently a special counsel at KHQ Lawyers.

Jennifer has a long involvement with the community and not-for- profit sector. She is currently president of the Jewish Community Council of Victoria, and has previously served on the Boards of the B’nai B’rith Anti-Defamation Commission, Youth Connect and the National Council of Jewish Women of Australia.

From February 2009 until November 2010 Jennifer was a member of the Legislative Council of the Parliament of Victoria, and prior to that served as a director of the Emergency Services and State Superannuation Board.

#### Laurinda Gardner

Laurinda Gardner has more than 20 years’ experience working for not-for-profit, state and local government boards, and as a senior government executive leading large policy and operational teams.

Laurinda is one of three Administrators appointed in April 2016 by the Victorian Government to manage the responsibilities of the City of Greater Geelong Council. She has also consulted for a wide variety of government bodies including the Victorian Ombudsman, Victoria Police and the Victorian Managed Insurance Authority.

Laurinda served as Deputy Secretary for Organisational Reform, Corporate Strategy and Services, and Strategic Management within the Victorian Department of Treasury and Finance between 1998 and 2013. She is a current board member and former chair of Berry Street, a not-for-profit association which helps young people and families recover from the effects of violence, abuse and neglect.

#### Faddy Zouky OAM

Faddy Zouky is the founding President of the Australia Lebanon Chamber of Commerce & Industry, a member of the Multicultural Commission of Victoria’s Small Business Ministerial Council, and the current Managing Partner of Zouki Lawyers and the Executive Director of the Zouki Group of companies.

Faddy has a Master of Laws and has taught commercial law as an assistant lecturer at Monash University. He is a respected member of the Australian Lebanese community and has served as a United Nations Australian Ambassador for the UNDP Live Lebanon Project.

As a migration agent, Faddy has assisted hundreds of people seeking to settle in Australia and was awarded the Order of Australia Medal in 2012 for his services to business and Victoria’s multicultural community.

#### Matt Finnis

Matt Finnis was appointed Chief Executive Officer of the St Kilda Football Club in 2014.

Prior to joining St Kilda, Matt was CEO of the AFL Players’ Association, representing the interests of current, future and former AFL players in a range of industrial, commercial and development matters.

Before his roles in the AFL Matt worked as a commercial lawyer advising sporting organisations, businesses, athletes and government. Matt also has extensive experience on boards supporting community causes and organisations including; Ladder, AFL SportsReady, Surfing Australia, Surf Life Saving Victoria and HeartKids Australia.

Matt has been a founding member of the Sport Male Champions of Change Group since 2015, working with influential leaders to redefine men’s role in taking action on gender inequality. In 2016 he was awarded the Straight Ally of the Year at the GLOBE Community Awards.

#### Rebecca Dabbs

Rebecca Dabbs is a Partner at Ernst & Young in the Climate Change and Sustainability Services team, working on sustainability and health, safety and environment engagements. Prior to becoming a partner in 2016, she worked as a Sustainability consultant and a Chartered Accountant for Ernst & Young since 2004. She also worked as a Chartered Accountant for BNP Paribas in London.

Rebecca was a board member of Cambodian Kids Can, a volunteer-staffed charity that supports children’s welfare, education and community projects in Cambodia, from 2014–17. She was a board member and the finance committee chair of the Norman Wettenhall Foundation, an environmental foundation, from 2011–14.

### Audit and Risk Management Committee report

The primary role of the Audit and Risk Management Committee is to provide independent oversight and governance of the Commission’s business processes, risk management and financial management, performance and sustainability. The Committee considers reports from the Commission and auditors that provide assurance about the integrity of the financial controls, processes, systems and reporting of the Commission. It also monitors the Commission’s compliance with the Financial Management Act 1994 and the 2016 Standing Directions of the Minister for Finance. The Audit and Risk Management Committee advises the Board and the Commission on matters of compliance, accountability, risk management and internal controls affecting operations.

The 2018–19 Audit and Risk Management Committee consisted of Laurinda Gardiner (Chair), Moana Weir, Jeff Floyd and Sue Madden. External audits of the Commission are undertaken by the Victorian Auditor-General’s Office.

## Five year financial performance

The following financial performance tables are not subject to audit by the Victorian Auditor-General’s Office and are not prepared on the same basis as the Commission’s financial statements.

#### Five-year financial performance summary

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Five year financial summary** | **2019** | **2018** | **2017** | **2016** | **2015** |
| Income from government | 9,717,071 | 9,527,853 | 9,201,051 | 8,360,828 | 7,985,054 |
| Total income from transactions | 9,717,071 | 9,527,853 | 9,201,051 | 9,221,073 | 8,489,476 |
| Total expenses from transactions | 9,719,831 | 9,495,431 | 9,176,646 | 9,432,264 | 9,086,616 |
| Net result from transactions  | (2,760) | 32,422 | 24,405 | -211,191 | -597,140 |
| Net result for the period | (69,474) | 46,792 | 13,380 | -226,232 | -630,589 |
| Net cash flow from operating activities | 64,268 | 119,167 | -202,863 | -273,538 | -26,070 |
| Total assets | 3,138,265 | 3,427,466 | 3,166,137 | 3,135,810 | 3,263,880 |
| Total liabilities | 1,682,591 | 1,902,318 | 1,687,782 | 1,670,835 | 1,572,672 |

### Current year financial review

A summary of the Victorian Equal Opportunity and Human Rights Commission’s financial performance in 2018–19 is shown below. Full financial details for 2018–19 are outlined in the Financial Statements.

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management that can be directly attributed to government policy. This measure excludes the effects of revaluations (holding gains or loses) arising from changes in market prices and other changes in the volume of assets shown under ‘other economic flows’ on the comprehensive operating statement, which are outside the control of the Commission.

In 2018–19 the Commission reported a minor deficit in the net result from transactions of $2760. Both total income and total expenses have increased from the previous year predominantly because of the review work and new projects undertaken by the Commission. The Commission continues to generate additional revenue from its education and training function.

The overall net result of $69,474, which is a significant reduction from the previous year, is not the result of transactions but is due to a loss from the revaluation of the present value of the long service leave liability caused by changes in the bond interest rates which is outside the Commission’s control.

Total net assets has declined from the previous year due to a reduction in the Commission’s total asset base, even though there has been a reduction in total liabilities.

Net cash inflows from operating activities have decreased as compared to last year, partly as a result of changes in provisions for employee entitlements, accruals and receivables. There was also a receipt of $100,000 in 2018–19 from the Department of Premier and Cabinet to continue work on the Government’s Anti-Racism Action Plan. The Commission also received $321,250 from the Victorian Secretaries Board to continue an education program on building a culture of human rights in the Victorian Public Service.

Financial Performance

Income from Government has increased significantly since 2015–16. This is due to funding for the Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, and the Equity and Diversity review of Victoria’s Country Fire Authority and Metropolitan Fire Brigade. In 2016–17 the Commission also engaged in an education program on the Charter of Human Rights in the Victorian Public Service which has continued into 2018–19. There has been a corresponding increase in expenditure during this period

Financial position – balance sheet

Total assets decreased by $289,201 over the year mainly due to a decrease of $231,463 and $57,738 in financial and non-financial assets respectively. The decrease in financial assets is due to a decrease in receivables offset to some extent by an increase in cash. The cash increase is mainly due to the receipt of $100,000 from the Victorian Multicultural Commission (Multicultural Affairs and Social Cohesion division) under the Department of Premier and Cabinet for the Government’s Anti-Racism Action Plan and the Commission’s Reducing Racism strategic priority. A further $321,250 was received from the Victorian Secretaries Board for human rights education in the Victorian Public Service. The decrease in receivables are of a statutory nature and represent funding for all commitments incurred and are drawn from the Consolidated Fund as the commitments fall due.

Total non-financial assets decreased due to the decrease in the net book value of intangible assets.

Total liabilities decreased mainly due to decreased payables resulting from creditors and accrued expenses and decreased employee related provisions.

Cash flows

The total cash surplus of $383,401 for the 2018–19 financial year is the result of a net cash inflow of $64,268 for operating activities driven by increased cash funding from Government. The net cash outflow from investing activities is $5344 due to enhancements to intangible assets.

Net cash inflows from financing activities were minor at $709 due to transactions in respect of the Commission’s four leased motor vehicles.

Occupational health and safety

The goal of the Commission’s occupational health and safety (OH&S) arrangements is to embed a safety and wellbeing culture into everything we do to ensure staff remain safe and healthy at work. The Commission has its own OH&S framework and uses the Department of Justice and Community Safety’s Accident Information Reporting System (AIRS) to record, manage and monitor incidents that have OH&S implications.

The Commission also has its own local Incident Management Team (IMT) and Incident Management Plan aimed at enhancing workplace safety and security and ensuring safe systems of work.

The Commission has very few OH&S incidents each year. However, after any incident and in each debriefing, the IMT assesses whether there are or could be any OH&S implications and takes action accordingly.

There were no incidents recorded in the AIRS for 2018–19.

Accident Information Reporting System statistics

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2016–17** | **2017–18** | **2018–19** |
| Incidents\* | 2 | 2 | 0 |
| Injuries requiring first aid or medical treatment | 2 | 1 | 0 |
| Injuries resulting in WorkCover claims | 0 | 0 | 0 |
| WorkCover claims resulting in lost work time | 0 | 0 | 0 |

##### \*As related to employees (therefore executing members of the public, contractors, etc). Incidents are defined as including hazards, near misses and injuries.

Employment and conduct principles

The Commission is committed to applying merit and equity principles when appointing staff. The selection processes ensure that applicants are assessed and evaluated equitably and fairly on the basis of the key selection criteria and other accountabilities without discrimination.

Public sector values and employment principles

In addition to the Victorian Public Sector Commission’s (VPSC) role under the Public Administration Act 2004 to advocate for public sector professionalism and integrity and to strengthen overall Victorian public sector efficiency, effectiveness and capability, the Commission also has a broad role under its three governing Acts[[1]](#footnote-1), to protect and promote human rights and equal opportunity in employment and related areas for all Victorian organisations.

The Commission’s role also extends to other settings including education, provision of goods and services, transfer of land, accommodation, clubs and in sport. The Commission’s external work in these areas in 2018–19 is reported elsewhere in this Annual Report.

Internally, in addition to promoting public sector values and employment principles, the Commission has its own set of values – Creativity, Accountability, Rigour and Empathy. These values describe what’s important to us in how we act with our colleagues, our partners and the people and communities we work with. During 2018–19 the Commission worked to embed its values into its recruitment, induction and internal governance processes.

Workforce inclusion policy

The Commission has an inclusive working environment where equal opportunity and diversity are valued. In 2018–19, the Commission delivered on the first year of its internal Diversity and Inclusion Action Plan 2018–20. Initiatives include developing a structured internship program to attract and develop diverse student populations, redeveloping our position descriptions and sourcing methods to attract more diverse candidates and changing our application and interview processes to reduce barriers and make the process more inclusive for candidates with diverse needs and backgrounds. The Commission also established its internal Diversity and Inclusion Reference group to monitor and oversee the plan.

The Commission values staff with non-binary gender identities. However, the Commission acknowledges that due to historic and current barriers to disclosure of non-binary gender identities, staff may not choose to disclose this information and have not been surveyed as such. As a result, the following tables in the Comparative Workforce Data section still only reflect binary gender categories

Comparative workforce data

The following tables disclose the head count and full-time equivalent (FTE) of all active public service employees of the Commission, employed in the last full pay period in June of the current reporting period (2019), and in the last full pay period in June of the previous reporting period (2018).

##### Workforce data trends

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Ongoing** | **Fixed Term** | **Casual** | **Total** |
|  | Number (Headcount) | FTE | Number (Headcount) | FTE | Number (Headcount) | FTE | Number (Headcount) | FTE |
| June 2018  |  40 | 36.1 | 17 | 15.3 | 0 | 0 | 57 | 51.4 |
| June 2019  | 40 | 37.1 | 16 | 14.6 | 0 | 0 | 56 | 51.7 |

##### Details of employment levels in June 2019

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **All employees** | **Ongoing** | **Fixed term and casual** |
| Headcount | Headcount | FTE | Headcount | FTE | Headcount | FTE |
| Demographic data | Gender |
| Male | 12 | 11.4 | 8 | 8 | 4 | 3.4 |
| Female | 44 | 40.3 | 32 | 29.1 | 12 | 11.2 |
| Self described | 0 | 0 | 0 | 0 | 0 | 0 |
| Age |
| Under 25 | 0 | 0.0 | 0 | 0 | 1 | 0.0 |
| 25-34 | 17 | 16.1 | 11 | 10.3 | 6 | 5.8 |
| 35-44 | 19 | 15.8 | 11 | 8.8 | 8 | 7 |
| 45-54 | 15 | 15 | 14 | 14 | 1 | 1 |
| 55-64 | 4 | 3.8 | 3 | 3.0 | 1 | 0.8 |
| Over 64 | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| Classification data | Classification |
| Executive Officers | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| Principal Solicitor | 1 | 0.8 | 1 | 0.8 | 0 | 0.0 |
| Senior Solicitor | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| Solicitor 3 | 1 | 0.6 | 1 | 0.6 | 0 | 0.0 |
| VPS 2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| VPS 3 | 5 | 5.0 | 4 | 4.0 | 1 | 1.0 |
| VPS 4 | 15 | 14.6 | 8 | 7.6 | 7 | 7.0 |
| VPS 5 | 23 | 20.8 | 16 | 14.8 | 7 | 6.0 |
| VPS 6 | 9 | 7.9 | 8 | 7.3 | 1 | 0.6 |
|  | Total active\* employees | 56 | 51.7 | 40 | 37.1 | 16 | 14.6 |

 Note: ‘Active employees’ has the same meaning as in Financial Reporting Direction 29C
and includes employees on WorkCover leave receiving make up pay. Active employee
numbers do not include:

I. Separated employees that ceased employment with your organisation during the 12 months from the first pay period of July 2017 until the end of the last full pay period of June 2018.

II. Casual employees who were not employed and paid for work in the final full pay period of June 2018.

III. People who are added to the payroll in the last full pay period in June 2018 solely for the purpose of paying outstanding entitlements.

IV. Volunteers, employment agency staff, contractors, consultants or board members.

## Consultancy expenditure

### Details of consultancies (valued at $10,000 or greater)

In 2018–19 there were ten consultancies where the total fees payable to the consultants were $10,000 or greater. The total expenditure incurred during 2018–19 in relation to these consultancies is $326,712 (excl. GST). Details of individual consultancies are outlined below.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Consultant** | **Purpose of consultancy** | **Start date** | **End date** | **Total approved project fee (excl. GST)** | **Expenditure 2018–19 (excl. GST)**  | **Future Expenditure (excl. GST)**  |
| ARC PUBLIC PTY LTD | Strategic Communications | 22/05/2019 | 30/06/2019 | 42,000 | 14,000 | 28,000 |
| CODE FOR AUS PTY LTD | Digital lab | 7/06/2018 | 2/01/2019 | 180,000 | 120,000 |   |
| SOCIAL VENTURES AUST LTD | Review of consulting model and review function | 14/05/2018 | 24/08/2018 | 77,225 | 38,669 |  -  |
| SOCIAL VENTURES AUST LTD | Complementary measures project | 22/05/2018 | 17/05/2019 | 104,581 |  -  | 52,291 |
| TODAY STRATEGIC DESIGN PTY LTD | Raise it! Prototypes | 20/09/2018 | 30/10/2018 | 38,110 | 38,110 |  -  |
| ORIMA RESEARCH | Survey consultant for the 2018 Charter Report | 21/12/2018 | 30/06/2019 | 25,000 | 25,000 |  -  |
| THE TRUSTEE FOR ACTUARIAL EDGE UNIT TRUST | Consultant – travel insurance investigation  | 1/02/2017 | 21/08/2018 | 30,000 | 21,950 | 8,050 |
| ONE FINE MORNING | Preparation of the Commission’s policy and law reform agenda | 12/12/2018 | 31/01/2019 | 12,500 | 12,500 |  -  |
| ONE FINE MORNING | Investigation report | 25/01/2019 | 17/04/2019 | 12,500 | 12,500 |  -  |
| WORKING SMARTER | Consultancy Services - Diversity and inclusion diagnostic for Worksafe Victoria | 7/01/2019 | 30/06/2019 | 21,420 | 21,420 |  -  |
| CLEAR HORIZON CONSULTING PTY LTD | Mid-term Evaluation of the Charter Education Project | 1/11/2018 | 28/02/2019 | 25,000 | 22,563 | 2,438 |

#### Details of consultancies under $10,000

In 2018–19 there were five consultancies engaged during the year, where the total fees payable to the individual consultancies was less than $10,000.

The total expenditure incurred during 2018–19 in relation to these consultancies was $19,413 (excl. GST).

### Government advertising expenditure

In 2018–19, there were no government advertising campaigns with total media spends of $100,000 or greater (exclusive of GST).

### Information and communication technology expenditure

#### Details of information and communication technology (ICT) expenditure

For the 2018–19 reporting period, the Commission had a total ICT expenditure of $41,262, with the details shown below.

|  |  |
| --- | --- |
| **All operational ICT expenditure Business As Usual (BAU) ICT expenditure (excl. GST)\*** | **ICT expenditure related to projects to create or enhance ICT capabilities** |
| Non Business As Usual (non BAU) ICT expenditure (excl. GST) | Operational expenditure (excl. GST) | Capital expenditure(excl. GST)  |
|  41,262  |  -  | 41,262  |  -  |

### Compliance with Competitive Neutrality Policy

Competitive neutrality requires government businesses to ensure where services compete, or potentially compete with the private sector, any advantage arising solely from their government ownership be removed if it is not in the public interest. Government businesses are required to cost and price these services as if they were privately owned. Competitive neutrality policy supports fair competition between public and private businesses and provides government businesses with a tool to enhance decisions on resource allocation. This policy does not override other policy objectives of government and focuses on efficiency in the provision of service.

The Commission works to ensure it fulfils its requirements on competitive neutrality under the Victorian Government’s Competition Principles Agreement in relation to the fee structure that it applies to those services against which charges may be applied, to ensure that such charges are based on commercial market rates.

### Compliance with the Building Act

The Commission does not own or control any government buildings and consequently is exempt from notifying its compliance with the building and maintenance provisions of the Building Act 1993.

### Compliance with the Protected Disclosure Act

The Protected Disclosure Act 2012 encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

The Commission does not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in administrative and management practices. We support the making of disclosures that reveal:

corrupt conduct

conduct involving a substantial mismanagement of public resources

conduct involving a substantial risk to public

health and safety or the environment.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. We will also afford natural justice to the person who is the subject of the disclosure to the extent it is legally possible.

Reporting procedures

Disclosures about the Commission or any of its employees can be made to the Independent Broad-based Anti-corruption Commission. See ibac.vic.gov.au.

For the Commission’s protected disclosure procedures, how we protect people from reprisals and more information about reporting improper conduct go to humanrightscommission.vic.gov.au.

Compliance with the Carers Recognition Act

The Commission has taken all practical measures to comply with its obligations under the Carers Recognition Act 2012. Externally, these obligations include promoting the principles of the Act to people in care relationships who receive our services, and to the wider community, by:

distributing printed information about the Act on our website for the benefit of members of the public

continuing to educate the community about the rights of carers under the Equal Opportunity Act through our social media campaigns, project initiatives and training workshops

providing a publicly available Enquiry Line for members of the public to make complaints about discrimination, including on the basis of their status as carer, as well as the opportunity to participate in dispute resolution at the Commission.

### Freedom of information

Victoria’s Freedom of Information Act 1982 (FOI Act) gives members of the public the right to apply for access to information we hold and is an important part of promoting transparency and accountability.

The Commission holds documents relating to procedures and policy, projects, litigation, dispute resolution, staff, operational and administrative responsibilities, and general correspondence.

The Commission also proactively publishes information about its activities and decision-making on its website, where it can be accessed without a FOI request

How to make a request

Section 17 of the FOI Act requires requests to be

in writing

clear enough to identify which documents are sought

accompanied by the appropriate application fee, or a request to have the fee waived on hardship grounds

Request to the Commission can be made by:

email to foi@veohrc.vic.gov.au

post to: FOI Officer, Level 3, 204 Lygon Street, Carlton Vic 3053

The Commission will charge an access fee in some cases (for example, for photocopying and search and retrieval).

Applicants can contact the Commission’s Legal Unit on 1300 292 153 for assistance making a FOI request.

#### FOI statistics

The Commission received no formal FOI requests during 2018–19.

Office of the Victorian Information Commissioner

The Requesters who are unhappy about the Commission’s handling of a FOI request can complain, or seek review of our decision, to the Office of the Victorian Information Commissioner (OVIC).

The Commission is committed to accountability for its actions and cooperates fully with all OVIC reviews.

In 2018–2019 OVIC notified the Commission of one review, which remains ongoing

#### Further information

Further information on making a request to the Commission can be found on our website humanrightscommission.vic.gov.au/index.php/about-us/freedom-of-information.

### Local Jobs First – Victorian Industry Participation Policy

The Victorian Industry Participation Policy Act 2003 requires public sector bodies to report on the implementation of the Local Jobs First – Victorian Industry Participation Policy (Local Jobs First – VIPP). Public sector bodies are required to apply the Local Jobs First – VIPP in all procurement activities valued at $3 million or more in metropolitan Melbourne and for statewide projects, or $1 million or more for procurement activities in regional Victoria.

### Compliance with the Disability Act

The Disability Act 2006 reaffirms and strengthens the rights of people with a disability and recognises that this requires support across the government sector and within the community.

The Disability Act requires that public sector bodies prepare a disability action plan and report on its implementation in their annual report. A disability action plan is a strategic plan which helps an organisation remove barriers that prevent people with a disability from using the organisation’s goods, services and facilities, and from gaining and keeping employment. Disability action planning also strives to promote inclusion and participation in the community, and achieve changes in attitudes and practices that may result in discrimination.

During 2018–19, the Commission developed its new Disability Action Plan 2018-20.
The new plan is on the Commission’s website.

Additional Commission information available on request

In compliance with the requirements of the Standing Directions of the Minister for Finance, details in respect of the items listed below have been retained by the Commission and are available on request, subject to the provisions of the Freedom of Information Act 1982.

declarations of pecuniary interests that have been duly completed by all relevant officers of the Commission

details of shares held by senior officers of the Commission as nominee or held beneficially in a statutory authority or subsidiary

details of all consultancies and contractors including:

consultants/contractors engaged

services provided

expenditure committed to for each engagement.

The information is available on request from foi@veohrc.vic.gov.au.

### Office based environmental impacts

The Commission is committed to minimising its environmental impact and undertook several initiatives in 2018–19.

The Commission occupies 1406 sq m of office floorspace which is managed by the Department of Justice and Community Safety, and any consumption reduction targets and infrastructure initiatives to achieve those targets are reported in the Department’s Annual Report.

The facilities management system for the building occupied by the Commission cannot isolate the Commission’s floorspace. Therefore, no separate electricity or water consumption performance can be reported here in the Commission’s Report of Operations, although it is captured in the overall departmental statistics.

However locally, the Commission does assist in power consumption reduction by requiring staff to turn off lights when meetings are finished and turn off desktop computers and monitors at the end of the day. All Commission computer monitors also have timed screensavers.

To minimise waste and consumables, the Commission:

requires all staff to use office landfill, and recycle bins (and the Commission also provides compost bins for biodegradable waste)

collects mobile phones and corks for recycling, and batteries for safe disposal.

All staff are also encouraged to use the option of double-sided printing wherever possible. The Commission uses energy-efficient printers and uses only recycled paper.

To reduce fuel consumption and transport costs, the Commission’s four vehicles all have hybrid electric/petrol motors, and staff are encouraged to use public transport for work travel where possible.

### Attestation for financial management compliance with Ministerial Standing Direction 5.1.4

I Moana Weir, Chairperson and on behalf of the Board, certify that the Victorian Equal Opportunity and Human Rights Commission has complied with the applicable Standing Directions of the Minister for Finance under the Financial Management Act 1994 and Instructions.

Signed

Moana Weir

Board Chairperson

# Appendix 1: Complaints and enquiries data

#### Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act by area and attribute for 2016–17, 2017–18 and 2018–2019

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|   | Accommodation | Clubs | Education | Employment | Goods/Services | Local Gov't | No area required\* | Sport | Total |
|  | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 | 16/17 | 17/18 | 18/19 |
| **Age** | 4 | 5 | 7 | 2 | 1 |   | 2 | 4 | 9 | 82 | 64 | 49 | 37 | 18 | 29 |   |   |   |   |   |   | 4 | 2 | 6 | 131 | 94 | 100 |
| **Authorising and assisting** |   |   |   |   |   |   | 4 |   |   |   |   |   |   |   |   |   |   |   | 22 | 6 | 3 |   |   |   | 18 | 6 | 3 |
| **Breastfeeding** |   |   |   |   |   |   |   | 2 | 2 | 3 | 6 | 5 | 7 | 3 | 1 |   |   |   |   |   |   |   |   |   | 10 | 11 | 8 |
| **Carer status** | 7 | 10 | 4 |   |   |   |   | 6 | 9 | 76 | 64 | 49 | 23 | 12 | 19 |   |   |   |   |   |   |   |   |   | 106 | 92 | 81 |
| **Disability** | 69 | 68 | 61 | 2 |   | 1 | 68 | 67 | 62 | 289 | 282 | 206 | 163 | 245 | 258 |   |   |   |   |   |   | 5 | 1 | 7 | 596 | 663 | 595 |
| **Discriminatory information request** |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 5 | 5 | 6 |   |   |   | 5 | 5 | 6 |
| **Employment activity** |   |   |   |   |   |   |   |   |   | 102 | 113 | 115 |   |   |   |   |   |   |   |   |   |   |   |   | 102 | 113 | 115 |
| **Expunged Homosexual Conviction** |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| **Gender identity** |   | 3 | 3 |   |   |   |   | 2 | 2 | 10 | 6 | 7 | 7 | 10 | 13 |   |   |   |   |   |   |   |   |   | 17 | 21 | 25 |
| **Industrial activity** |   |   |   |   |   |   |   |   |   | 16 | 23 | 18 |   |   | 1 |   |   |   |   |   |   |   |   |   | 16 | 23 | 19 |
| **Lawful sexual activity** |   | 3 |   |   |   |   |   |   |   | 11 | 3 | 17 | 3 | 10 | 1 |   |   |   |   |   |   |   |   |   | 14 | 16 | 18 |
| **Marital status** | 2 | 3 | 4 |   |   |   |   |   |   | 10 | 11 | 15 | 5 | 11 | 6 |   |   |   |   |   |   |   |   | 1 | 17 | 25 | 26 |
| **Parental status** | 4 | 10 | 4 |   |   |   | 3 | 2 | 4 | 60 | 50 | 45 | 16 | 10 | 15 |   |   |   |   |   |   |   |   |   | 83 | 72 | 68 |
| **Personal association** | 15 | 7 | 5 | 1 |   |   | 1 |   | 3 | 7 | 16 | 6 | 23 | 29 | 15 |   |   |   |   |   |   |   |   |   | 47 | 52 | 29 |
| **Physical features** |   | 1 | 1 |   |   |   | 2 | 1 | 7 | 31 | 40 | 17 | 15 | 19 | 13 |   |   |   |   |   |   |   |   | 1 | 48 | 61 | 39 |
| **Political belief or activity** |   |   |   |   |   |   |   | 2 | 2 | 2 | 3 | 2 |   | 2 | 3 | 2 |   |   |   |   |   |   |   |   | 2 | 7 | 7 |
| **Pregnancy** | 1 | 3 |   |   |   |   |   |   | 1 | 38 | 23 | 35 | 1 | 3 |   |   |   |   |   |   |   |   |   |   | 40 | 29 | 36 |
| **Race** | 4 | 13 | 19 | 1 |   |   | 12 | 20 | 13 | 56 | 109 | 96 | 36 | 62 | 58 |   |   | 1 |   |   |   | 1 | 3 | 1 | 110 | 207 | 188 |
| **Racial vilification** |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 9 | 4 | 4 |   |   |   | 3 | 4 | 4 |
| **Religious belief or activity** |   | 4 | 1 |   |   |   | 4 | 3 | 13 | 22 | 23 | 28 | 11 | 35 | 14 |   |   |   |   |   |   |   |   |   | 37 | 65 | 56 |
| **Religious vilification** |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 4 | 14 | 5 |   |   |   | 5 | 14 | 5 |
| **Sex** | 4 | 6 | 1 |   | 2 |   | 5 | 7 | 7 | 121 | 145 | 130 | 40 | 63 | 24 |   |   |   |   |   |   | 2 | 3 | 7 | 172 | 226 | 169 |
| **Sexual harassment** | 1 |   | 1 |   | 2 | 2 | 3 | 1 |   | 116 | 144 | 111 | 11 | 9 | 8 |   |   |   |   |   |   |   |   |   | 131 | 156 | 122 |
| **Sexual orientation** |   | 3 |   |   |   |   |   | 6 |   | 22 | 22 | 25 | 10 | 34 | 11 |   |   |   |   |   |   |   |   |   | 32 | 65 | 36 |
| **Victimisation** |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 192 | 219 | 122 |   |   |   | 164 | 219 | 122 |
| **Total** | **111** | **139** | **111** | **6** | **5** | **3** | **104** | **123** | **134** | **1074** | **1147** | **976** | **408** | **575** | **489** | **2** | **0** | **1** | **232** | **248** | **140** | **12** | **9** | **23** | **1906** | **2246** | **1877** |

#### Issues raised from enquiries 2016–17, 2017–18 and 2018–2019

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **2016/17** | **2017/18** | **2018/19** | **3 Year Total** |
| **Age** | 411 | 318 | 331 | 1060 |
| **Authorising and assisting** | 47 | 8 | 6 | 61 |
| **Breastfeeding** | 31 | 36 | 30 | 97 |
| **Carer status** | 321 | 234 | 207 | 762 |
| **Charter of Human Rights** | 242 | 146 | 129 | 517 |
| **Child protection** | 34 | 24 | 27 | 85 |
| **Court** | 72 | 80 | 66 | 218 |
| **Criminal record** | 42 | 22 | 49 | 113 |
| **Disability** | 1749 | 1845 | 1710 | 5304 |
| **Discriminatory Advertisement** | 15 | 1 | 2 | 18 |
| **Discriminatory information request** | 73 | 58 | 84 | 215 |
| **Education** | 35 | 35 | 33 | 103 |
| **Employment activity** | 279 | 261 | 303 | 843 |
| **Employment Law** | 298 | 224 | 144 | 666 |
| **EO -Information provided** | 1060 | 900 | 1189 | 1960 |
| **Expunged homosexual conviction** | 2 | 1 |   | 3 |
| **Family Court** | 23 | 16 | 10 | 49 |
| **Gender identity** | 81 | 72 | 84 | 237 |
| **Government - Federal** | 58 | 63 | 56 | 177 |
| **Government - Local** | 18 | 11 | 7 | 36 |
| **Government - State** | 29 | 12 | 12 | 53 |
| **Homelessness** | 12 | 8 | 4 | 24 |
| **Indigenous** | 15 | 9 | 3 | 27 |
| **Industrial activity** | 50 | 37 | 24 | 111 |
| **Information provided** | 1308 | 1240 | 1177 | 3725 |
| **Involuntary patient** | 34 | 21 | 19 | 74 |
| **Lawful sexual activity** | 55 | 26 | 39 | 120 |
| **Marital status** | 104 | 78 | 62 | 244 |
| **Media** | 12 | 8 | 5 | 25 |
| **No jurisdiction** | 1483 | 1716 | 1137 | 4336 |
| **Parental status** | 261 | 218 | 230 | 709 |
| **Personal association** | 105 | 80 | 57 | 242 |
| **Physical features** | 184 | 159 | 112 | 455 |
| **Police** | 109 | 74 | 81 | 264 |
| **Political belief or activity** | 29 | 33 | 38 | 100 |
| **Pregnancy** | 110 | 116 | 121 | 347 |
| **Prisons** | 66 | 25 | 18 | 109 |
| **Privacy** | 21 | 9 | 16 | 46 |
| **Publications - Commission** | 72 | 48 | 45 | 165 |
| **Race** | 473 | 630 | 607 | 1710 |
| **Racial vilification** | 54 | 50 | 47 | 151 |
| **Religious belief or activity** | 146 | 160 | 193 | 499 |
| **Religious vilification** | 27 | 27 | 24 | 78 |
| **RRTA-Information provided** | 36 | 35 | 36 | 71 |
| **Sex** | 559 | 447 | 418 | 1424 |
| **Sexual harassment** | 371 | 432 | 374 | 1177 |
| **Sexual orientation** | 98 | 138 | 101 | 337 |
| **Tenancy** | 125 | 89 | 81 | 295 |
| **Training requests** | 61 | 41 | 25 | 127 |
| **Transport** | 1 | 4 |   | 5 |
| **Victimisation** | 300 | 346 | 292 | 938 |
| **WorkCover** | 9 | 4 | 3 | 16 |
| **Total** | **11210** | **10675** | **9868** | **30528** |

Contact us

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
Hearing impaired (TTY) 1300 289 621
Interpreters 1300 152 494
Email enquiries@veohrc.vic.gov.au
Website [humanrightscommission.vic.gov.au](file:///%5C%5Cvmware-host%5CShared%20Folders%5CProjects%20%28Clients%29%5CVEOHRC%5C1338.%20MS%20Word%20Report%20Template%5CModified%20Documents%5Chumanrightscommission.vic.gov.au)
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humanrightscommission.vic.gov.au

1. The three Acts governing the work of the Victorian Equal Opportunity and Human Rights Commission are the Equal Opportunity Act 2010; Charter of Human Rights and Responsibilities Act 2006; and the Racial and Religious Tolerance Act 2001. [↑](#footnote-ref-1)