

Sex Discrimination, Sexual Harassment and Predatory Behaviour in South Australia Police

Independent Review



Government of South Australia
Equal Opportunity Commission

Published by the South Australian
Equal Opportunity Commission,

Level 17, 45 Pirie Street,
Adelaide, 5000.
November 2016.

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Independent review into sex discrimination and sexual
harassment, including predatory behaviour

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Executive summary

Review context

South Australia Police (SAPOL) is the oldest centrally-controlled police service in Australia and one of the oldest in the world. It was formed on 28 April 1838 and has been at the forefront of many significant changes, including appointing the first women police in the British Commonwealth in 1915 and being the first Australian policing jurisdiction to appoint a female police officer to a tactical response group, the Special Tasks and Rescue (STAR) Group, in 1999.

SAPOL has since evolved to focus on community policing, crime prevention, problem-solving and intelligence-led policing to resolve crime in partnership with the community, rather than responding to the incidence of crime as an agency in isolation. This shift aligns with major global policing trends, as well as similar trends in society. However, to continue to be successful it also requires a major shift in its workforce development, bucking the findings of a recent report by the Committee for Economic Development Australia (CEDA) that cited research showing Australian management practices were 'mediocre' – and a long way below top-performing countries such as Germany and Sweden. More specifically, Australia scored lowest quartile for 'instilling a talent mindset' and 'capacity for innovation' and in the second-lowest for 'addressing poor performance' and 'attracting and promoting high performers'¹

Like many other Australian organisations, SAPOL is moving beyond the outmoded idea that leaders need to be heroes with all the answers (an idea which accounts for the fact that 70-90 per cent of organisational change initiatives fail)² and also beyond technical, skills-based approaches to leadership and management. What is required for success in 21st century organisations is to embrace entrepreneurial learning: the ability to respond in ways that are agile and adaptable, to collaborate effectively with a diverse work team and broader stakeholders, and to engage problems creatively and view them holistically.³

Having a diverse workforce and an inclusive culture is critical to enhancing organisational capability. SAPOL understands that it must more effectively tap into the full range of talent and expertise available in the labour market, including the 46 per cent who are women, and reflect and benefit from its diversity. In December 2015, SAPOL Commissioner Grant Stevens announced an initiative to have women make up 50 per cent of police recruits, stating that he wants SA Police to be an 'employer of choice' for women. Strategies adopted in support of the new policies have included the development of female-targeted marketing materials, profiling of female officers on social media and online platforms, and hosting a Women in Policing information session.

Since the announcement, the percentage of female applicants has increased from 30 to 42 per cent. However, gender parity across the organisation will not be sustainably achieved through the 50:50 policy. Even with a successful 50:50 intake it is estimated that SAPOL's overall female representation of female sworn officers would only reach 32 per cent by 2019.

Ensuring equal representation of males and females will require a long-term commitment, not only to reach the 50:50 target in recruiting cadets, but in understanding what it is about SAPOL's culture, values and practices that have been keeping women away or having them leave – and, most critically, how willing it is to change these things. As the Workplace Gender Equality Agency's (WGEA) *Gender strategy toolkit*⁴ notes, "addressing gender equality within organisations will not happen accidentally ... like any other business issue, a strategic and systematic approach is required. The process of achieving gender equality is often referred to as a 'journey'. This is because the end-state or

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'destination' (i.e. a workplace which is genuinely and sustainably equitable to both women and men) can only be achieved over time, and through a series of states, which are cumulative in their impact".⁵ The first step in this journey of positive change is to gain a clear understanding of which stage an organisation is starting from.

It is against this backdrop that the Equal Opportunity Commission of South Australia (EOC) was engaged by SAPOL's Commissioner, Grant Stevens, to undertake an Independent Review (Review) into the nature and extent of sex discrimination, sexual harassment and predatory behaviour within the organisation. All SAPOL staff members, and those who departed in the past 12 months, were invited to participate. Almost 2,000 people

completed a confidential online survey, 53 took part in face-to-face interviews with the EOC Review Team (Review Team) and five provided written submissions. Information was sought about issues or concerns about what SAPOL staff had seen, heard or experienced, as well as about positive practices and experiences.

The details and recommendations in this Report are drawn from the information gathered through these channels, along with a review of existing SAPOL policies and data. Learnings gathered from the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) 2015 review of Victoria Police⁶ and the 2016 Broderick report on the Australian Federal Police (AFP)⁷, along with desktop research, have also been included. The Report delivers a snapshot of where the organisation is now and provides guidance for addressing the culture and behaviours that allow sex discrimination and sexual harassment to occur. Recommendations for action have been provided. If implemented, they should contribute to SAPOL becoming a gender-equality employer, leading the way for other agencies.

The organising framework for the Review

In examining the extent and nature of sexual harassment and sex discrimination in SAPOL, the Review Team drew on the WGEA's toolkit as the framework for its assessment and recommendations. The framework has six stages of maturity along the gender equality roadmap that enable an organisation to pinpoint where it is at the start of the journey and the characteristics it will need as it moves toward gender equality.⁸

TABLE 1 - WGEA'S STAGES OF THE GENDER EQUALITY ROADMAP⁹

Stage	Characteristics
1. Avoiding	<ul style="list-style-type: none"> • barriers to female career progression are unrecognised or denied • discriminatory behaviour towards women is normalised • gender representation or equality issues are not measured • no-one accepts accountability for gender equality
2. Compliant	<ul style="list-style-type: none"> • gender equality is seen as a compliance risk, not a business enabler • activity is limited to meeting compliance obligations • compliance with gender legislation is the responsibility of support functions • data is only gathered for compliance and not used elsewhere
3. Programmatic	<ul style="list-style-type: none"> • gender equality only occurs in response to issues that can't be ignored • initiatives are ad hoc, reactive and tactical, rather than proactive and strategic • business priorities take precedence if/when necessary • failure of gender programs to achieve change undermines long-term support
4. Strategic	<ul style="list-style-type: none"> • a business case for addressing gender equality is promoted by leaders • a gender strategy is developed linking to business strategy and objectives; it is used to guide investment and initiatives and is regularly reviewed • action plans are implemented to realise gender equality strategic objectives • governance and reporting mechanisms ensure leadership oversight
5. Integrated	<ul style="list-style-type: none"> • gender equality is integrated into business and people policies and processes • the business case is understood and embraced at all organisational levels • investment in gender equality is unaffected by business challenges • structural and cultural barriers to female career progression are addressed
6. Sustainable	<ul style="list-style-type: none"> • business leaders and managers are accountable for gender equality outcomes • leaders have the capability, confidence and commitment to build gender-inclusive cultures • the organisation is a role model for gender equality and influences others • gender equality is simply part of how business is done and how people work together - always

As is the case with most organisations assessed under this framework, the Review Team's findings suggest SAPOL does not fit neatly into one stage. Evidence was found in different parts of the organisation of the first three stages of development. The recommendations in this Report have been developed to help SAPOL move towards the 'Sustainable' stage.

Summary of Review findings

Prevalence of sex discrimination

In terms of sex discrimination, survey respondents reported that:

- around 740 (45 per cent) had personally experienced sex discrimination while employed with SAPOL
- more women than men had experienced discrimination (63 per cent females vs 31 per cent males)
- lesbian, gay or bi-sexual people were more likely to have experienced discrimination (59 per cent vs 44 per cent heterosexual)
- metropolitan-based staff were more likely to report discrimination (45 per cent vs 39 per cent regional locations).

Numerous survey respondents and interviewees described a 'boys' club' culture within SAPOL. This resulted in some women being subjected to frequent sexist comments and putdowns in relation to their gender, being offered fewer training and development opportunities or promotions, and being provided with ill-fitting equipment.

Participants who had experienced sex discrimination while employed at SAPOL reported a range of impacts, including increased emotional, mental and financial stress, anxiety and depression, a loss of confidence, career stalling or regression, and a loss of trust in the organisation. Numerous survey respondents and interviewees described a 'boys' club' culture within SAPOL. This resulted in some women being subjected to frequent sexist comments and putdowns in relation to their gender, being offered fewer training and development opportunities or promotions, and being provided with ill-fitting equipment.

Women felt particularly discriminated against when they were pregnant and on their subsequent return to work. Many felt they had to choose between being a parent and a rewarding career, often having to give up rank, pay and previously-held specialised roles in order to have their requests for part-time work accommodated on their return from maternity leave.

Prevalence of sexual harassment

In terms of sexual harassment, survey respondents reported that:

- almost 1000 survey respondents reported that they perceived sexual harassment and predatory behaviour occurs within SAPOL (61 per cent) with around 160 (10 per cent) perceiving it occurs often.
- Around 600 survey respondents (36 per cent) had been subject to sexual harassment while employed with SAPOL ever (56 per cent female and 22 per cent male)
- of those who indicated when the sexual harassment occurred, around half (46 per cent) said it had happened in the past five years. (21 per cent women and 8 per cent men)

Although the rate of sexual harassment within the past five years reported by women in SAPOL was similar to the level of workplace sexual harassment reported by women in the general workforce (21 per cent vs 25 per cent) and lower than the population figure for men (8 per cent vs 16 per cent)¹⁰ the reported incidence of predatory behaviour (i.e. the misuse of authority or influence to exploit others for sexual or other personal gratification) in SAPOL was 21 per cent higher than the general population figure (49 per cent vs 28 per cent). Types of sexual harassment reported to have been experienced or observed in SAPOL ranged from sexualised comments and jokes to criminal acts such as sexual assault and rape. Sexual harassment was experienced across all levels of the organisation, with targets more likely to be women. Lesbian and bisexual women and gay and bisexual men were also targeted. Of the perpetrators, 81 per cent were men. While more sworn employees indicated having experienced sexual harassment across their lifetime employment at SAPOL, administrative and specialist support staff were more likely to indicate being subjected to this behaviour in the past five years (68 per cent vs 43 per cent). Reported impacts ranged from feeling uncomfortable to having thoughts of suicide.

Along with the negative impact of these acts and behaviours on the physical and mental wellbeing of those who experience them and on those who witness or hear about them in the workplace (bystanders) these issues are known to have a high organisational cost, leading to productivity loss, higher employee turnover, reduced morale and absenteeism, as well as possible legal action and damage to reputation.¹¹

Leadership

If SAPOL is to be an equitable workplace that is free from harm, strong leadership will be required to drive cultural change across the organisation. This should be evident in the attitudes of its members, the skills it values in its recruits, its policies, its complaint-handling systems, the equipment it provides, the uniforms it has for pregnant women, how it performance-manages its people and its adoption of flexible work arrangements. Currently, negative attitudes to women, or indeed anyone who does not fit the traditional white, masculine mould, are widespread. Responding to individual incidents alone will not prevent sex discrimination and sexual harassment occurring. As can be seen from Table 1, becoming a sustainable gender equality organisation requires significant culture change to make gender equality “simply part of how business is done and how people work together always”.¹² This should be driven by the development of a robust business case to support a Gender Equality Strategy.

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According to the WGEA, the critical first step in implementing this culture change is for SAPOL’s leaders to say sorry - to acknowledge the harm that has been caused by previous sex discrimination and sexual harassment and to allow victims to tell their stories to senior staff. This is considered a key step in shifting their hearts and minds. Thus, one of the immediate actions recommended is that SAPOL establish a Restorative Engagement Project early in 2017 to provide an opportunity for complainants to tell their stories to high ranking leaders in SAPOL and seek a personal apology.

Leaders and managers will need support and training in order to drive the cultural change required for SAPOL to be a gender equitable organisation. The EOC recommends extensive training, including understanding what sexual harassment, sex discrimination and unconscious bias are. Training is also recommended to help leaders become aware of how what they say, do, prioritise and measure affects those with whom they work.

It is further recommended that key performance indicators (KPIs) be developed. These should include a monthly cultural survey to measure employee perception in areas such as access to flexible work and trust in the complaints system. Other measures could indicate actual progress in these areas, including how many staff are accessing flexible work, and the number of women in leadership positions and accessing training and development opportunities. Ensuring middle managers are on-board with, and helping to drive, the cultural change will be critical to its success. As such, the KPIs are designed to spread accountability beyond SAPOL's Executive Leadership Team (ELT) to all people-managers. It is acknowledged that SAPOL may not initially have all the data required for these KPIs; however, an important part of moving up the WGEA maturity framework is for relevant data-collection mechanisms to be established so data can inform strategy and be used to hold leaders accountable. Thus, investment in systems to enable data collection will be required.

For such an important change to occur in its culture, SAPOL cannot rely on a 'business as usual' approach or technical fixes. It is therefore also recommended that a Gender Equality Project Team be established to drive the change. Reporting to the Commissioner, this team should work closely with managers and staff across the organisation. Key deliverables and their phasing are detailed in the Implementation Plan in Chapter 8. A major part of the work of the Project Team would be establishing a successful stakeholder communications and engagement plan, including regular two-way interaction between the grassroots and senior management. This would help SAPOL's leaders gain a more nuanced understanding of the issues and help staff members feel engaged in influencing the change process. It is further recommended that SAPOL broaden and strengthen its current Women's Focus Group (WFG) to become a new Gender Equality Advisory Group and seek the input of key staff across the organisation on strategies, policies and communications.

Workforce management

An absence of women in senior levels of the organisation is a symptom of sex discrimination, and likely contributes to the ongoing perpetuation of sexual harassment in SAPOL. Building a robust, gender diverse pipeline in all areas will be a key to ensuring sustainable gender equality for SAPOL.

A growing body of global research has found that a gender-diverse organisation performs better across a wide range of business-critical indicators and that gender diversity at executive management levels is particularly important in improving strategic decision-making and developing innovative solutions.

SAPOL is a male-dominated organisation with only 32 per cent females. Female participation is skewed to lower-level administrative staff and the lower ranks of sworn police. While there has been a 4 per cent increase in female Officers in the past five years, taking the total to 17 per cent (including the appointment of SAPOL's first female Deputy Commissioner) there has been only a 1 per cent increase in total female sworn members, to 27 per cent, over the same period.

SAPOL has invested in developing women for leadership roles. However, the pipeline for female participation in executive leadership is weak. The ranks of Senior Sergeants and Inspectors (where

women's representation sits at 13 per cent) Superintendents (7 per cent) and Chief Superintendents (zero) are most concerning. An absence of women in senior levels of the organisation is a symptom of sex discrimination, and likely contributes to the ongoing perpetuation of sexual harassment in SAPOL. Building a robust, gender diverse pipeline in all areas will be a key to ensuring sustainable gender equality for SAPOL.¹³

The Review Team found that women's low level of participation in leadership is in part due to a mindset exhibited by some SAPOL staff, including those in key roles, that women are less capable of policing and, therefore, less deserving of promotion. However, women are also subject to unconscious bias whereby managers value those who look, think and act like them. For example, respondents indicated that many job descriptions are developed through a male 'lens' where operational and tactical capabilities and experience, which are more likely held by men and which are unnecessary to perform many roles, are often prioritised. The Review Team repeatedly heard from respondents about employees who lack people management skills (and some who had been the subject of multiple sex discrimination/sexual harassment complaints) being promoted. The EOC recommends that all job descriptions are reviewed to ensure required attributes are those that represent the present skills and experience needed to successfully carry out roles. There is a need to ensure that role descriptions for positions that supervise others have a strong focus on people management skills. Consideration should also be given the introduction of a system whereby, prior to promotion to senior roles, a review of a person's performance, supervisory skills, and number/seriousness of complaints (related to this Review) are assessed.

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Establishing gender targets helps focus attention and demonstrates a commitment to deliver gender equality. Targets of 50 per cent female cadet recruitment have already been set by SAPOL; it is recommended that other targets for key promotional and development opportunities be established in line with the total number of women in the workforce. This would include 'acting up' opportunities and numbers applying for promotional processes.

A talent identification program should also be considered, training people to fulfil specific roles rather than developing all people in the same way.

Training and development

The Review found inequities in training and development opportunities offered to males and females in SAPOL. In the last 12 months, 71 per cent of male survey respondents reported participation in training programs and development opportunities compared to 64 per cent of female respondents.

The EOC recommends that SAPOL devise a rolling three-year training delivery plan with a focus on training to change attitudes and behaviours of staff in relation to sex discrimination and sexual harassment, and on developing people-management and performance management skills to deal with negative behaviours.

Gender targets should also be established for training along the same lines as targets for women applying for promotional processes.

The way training is delivered should also be reviewed and revised to ensure it is accessible to those working flexibly and with family commitments.

Making these changes would help SAPOL implement the WGEA goal that “structural and cultural barriers to female career progression are actively challenged and addressed”.

Flexible work

Many people seek flexible working arrangements to allow them to care for others. As most primary carers are currently women, women are disproportionately impacted by inflexible workplaces. However, access to flexible work is not just a women’s issue but a whole-of-workforce management tool. Providing a flexible workplace is a cost-effective way of reducing turnover, attracting new employees, being an employer of choice, boosting staff morale, managing transitions to retirement and demonstrating to staff that the organisation values them. In SAPOL:

- 8 per cent of staff work part-time compared with 14 to 18 per cent in other male-dominated occupations and 45 per cent in the SA public service in general
- 30 per cent of respondents expressed a desire to work flexibly
- 61 per cent of respondents strongly agreed it was very difficult to work part-time and have a career at SAPOL
- 71 per cent of respondents believed that flexible working practices were applied inconsistently across SAPOL.

While SAPOL has policies that support flexible work, the Review Team found that the culture does not support this. It was widely reported that part-time applications (for a maximum six months) took months to be assessed and were often refused without valid reason. If approved, staff members frequently

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reported being placed into ‘dead end’ jobs, often at a lower rank and rate of pay than their previous appointment. Staff reported experiences of managers changing agreed work days with little or no notice, causing chaos for parents who had to rearrange childcare. Attitudes and practices with regard to flexible work in SAPOL were a considerable source of angst among respondents and were a contributing factor to many staff considering leaving the organisation.

The respondents also indicated that many leaders and managers in SAPOL seem to believe that flexible work does not fit an ‘operational organisation’. This is out of step with society and ironic given that in a 24/7 operation, all roles are

in effect part-time. This is supported by research in the UK Home Office Study on flexible work.¹⁴

The lack of workplace flexibility in SAPOL represents a structural and cultural barrier to career progression for women and men with caring responsibilities. Such barriers must be actively challenged and addressed.

Complaints

An organisation's actual values, as opposed to its espoused values, are reflected in how it manages and responds to complaints.

Under the *Police Act 1998 (SA)* and the *Public Sector Act 2009 (SA)* it is mandatory for complainants and witnesses to report sexual harassment and sex discrimination. However, the Review found there is significant under-reporting in SAPOL due to widespread mistrust of the complaints systems, victimisation of those who do complain, and a belief that there are few or no consequences for perpetrators. Many respondents and interviewees noted that perpetrators who had committed multiple offences continued to be promoted within the organisation. Statistics for complainants were:

- 12 per cent of those who had experienced sexual harassment made a formal complaint
- of the 45 per cent of survey respondents who indicated they had ever experienced sexual discrimination in SAPOL, just over one in five (21 per cent) had reported it
- Around half of those who did report either sex discrimination or sexual harassment said they experienced victimisation, including being ostracised, ignored, bullied, or denied training and promotions.

Other criticisms of the complaints processes included that complaints were not followed up in a timely fashion (or at all), people were not kept informed, there was too much paperwork involved, an adversarial approach existed, confidences were breached, and perpetrators were not given appropriate penalties, often being moved or promoted. By contrast, the Australian Human Rights Commission's (AHRC) *Working without fear: Results of the Sexual Harassment National Telephone Survey (2012)* found that 74 per cent of respondents who made formal reports about sexual harassment in Australian workplaces in the past five years were satisfied or extremely satisfied with the complaint process,¹⁵ suggesting different attitudes and processes are in place than within SAPOL.

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In SAPOL, the targets of sexual harassment generally wanted behaviours acknowledged as inappropriate and stopped, while those who had been discriminated against sought a change in attitudes and more support for flexibility.

For complaints processes to be effective they must be trusted. The EOC recommends that SAPOL's internal complaint mechanisms be radically transformed into one fast, effective, mediation-based service, rather than the current system in which complaints may be dealt with anywhere across the organisation.

Wellbeing services

Staff members who have been subjected to workplace harm need access to a trusted safe place where they can be provided with professional support. Fifteen per cent of female survey respondents and 3 per cent of males felt better victim support and encouragement of reporting would be beneficial.

Respondents stated they were unsupported when they reported sexual discrimination or sex harassment. The EOC has recommended that parties involved are pro-actively checked on as to their welfare, and offered support services.

SAPOL staff who are experiencing domestic violence, particularly where the perpetrator is also a SAPOL staff member, need to be taken seriously and provided with appropriate assistance from the organisation. Reports were provided to the Review Team of victims being further victimised by the behaviour of their managers.

The EOC recommends SAPOL establish a new, externally provided SAFE Space to provide confidential professional, person-centric support.

Conclusion

An organisational culture in which gender equality is simply part of how business is done, and how people work together, is not just important for human rights and equal opportunity but is essential for high performance.

Mounting global research shows that an increase in gender equality, particularly at leadership levels, has a positive impact on organisational capability and operational effectiveness. This comes at a time when there is increasing pressure on government agencies around the world to use public money efficiently and effectively.

The EOC's recommendations, if implemented, will not only provide SAPOL staff with a safe, respectful and lawful place to work, but will help the agency become a more capable, agile, innovative, motivated and high-performing police force for South Australia.



Recommendations

Immediate action

It is recommended that SAPOL:

1. Publish a statement endorsed by all members of the ELT that acknowledges that sexual harassment and sex discrimination is unacceptable and apologises for the significant distress caused to victims and bystanders.
2. Establish a Restorative Engagement Project (based on the Defence Abuse Response Taskforce's approach - see Appendix E) whereby those who have been previously harmed can safely tell their story to trained senior SAPOL Officers and seek acknowledgement and an apology.
3. Establish a new externally-provided SAFE Space which staff can access directly for confidential, unlimited support. This will be person-centric with an initial contact person available by phone, email, Skype or in person; the contact person would note the complaint and advise on support services and appropriate avenues of complaint. The service would prioritise support, safety and confidentiality of the victim.

Leadership

It is recommended that SAPOL:

4. Develop a Gender Equality Strategy utilising the *WGEA Gender Strategy Toolkit*¹⁶ and roadmap. In order to be sustainable, this will:
 - a. be based on a specific business case for addressing gender equality in SAPOL in line with the WGEA toolkit
 - b. link to, and support, SAPOL's overall business strategy and objectives
 - c. be used to guide effort, investment and specific initiatives – including ensuring that all structural and cultural barriers to female career progression are actively identified, challenged and addressed
 - d. ensure that gender equality best-practice is integrated into business and people policies and processes so that commitment to, and investment in, progress is unaffected by business challenges
 - e. establish governance and reporting mechanisms to ensure leadership oversight of progress, see recommendation 8
 - f. be reviewed every 12 months.

5. Provide Officers with professional development utilising the Leadership Shadow program (or similar) to ensure they develop the necessary capability, confidence and commitment to the business case for gender equality, build a gender-inclusive culture in SAPOL, and are able to develop and implement personal leadership action plans.
6. Implement, starting with the ELT the introduction of a leadership performance feedback tool (for example the Leadership Circle or LSI 360 degree) to provide feedback to managers on their leadership capacities to inform their development as leaders.
7. Require each divisional area in SAPOL to develop and implement actions to realise gender equality strategic objectives within their annual business plans and report against these.
8. Institute gender equality Key Performance Indicators (KPIs) for all SAPOL leaders (including leaders of administrative/specialist support staff) which are published across the organisation, see Appendix G for details. Progress should be reviewed quarterly by the ELT and used to inform strategy and target problem areas. Gender equality measures should also be included in all executive performance agreements.
9. Appoint a highly-respected and experienced executive, who is fully committed to gender equality, reporting directly to the Commissioner, with responsibility for driving the gender equality change project's implementation, alongside ELT and working across the organisation with other managers and staff. The Executive would lead a Gender Equality Project Team of internal and external people with expertise in strategic human resources, change management, communications and policy. It is anticipated this project team would operate for at least three years and provide a bi-monthly progress report to ELT.
10. Map stakeholders and develop a communications and engagement plan with nuanced messages and approaches, including a road show and intranet pages (including a change resistance library) to ensure engagement inside the organisation and with key outside influencers. All members of ELT should be involved in communications.
11. Form a Gender Equality Advisory Group, with both male and female participants and with appropriate funding, such that key staff across the organisation provide advice to the Commissioner on strategies, policies and communications.

Workforce management

It is recommended that SAPOL:

12. Review all standards and promotional requirements to ensure they are related to the actual capabilities required for performing a role including:
 - a. undertaking an unconscious bias check to evaluate historic concepts of merit and skills/characteristics in all role descriptions and processes related to selections and promotions. Position descriptions for roles involving staff supervision should be rewritten to include a strong emphasis on people-management and leadership skills.
 - b. moving to advertising key roles for a fixed term, with applicants demonstrating capability, interest, skills and suitability for the role. Progression points between ranks should be based on demonstrated skill, not time in the role. Acting management opportunities (for longer than a month) should also be advertised through a formal, but brief, Expression of Interest process.
 - c. prior to promoting to Officer level and above, undertake a comprehensive review of a person's performance (consideration should be given to 360 degree review) and skills and review the person's complaint history for multiple complaints and/or serious complaints.
 - d. implementing trials for selecting candidates for promotions including the use of an independent assessment centre, blind recruitment and a panel comprised of 50 per cent external members with human resources expertise. Consideration could also be given to investigating impediments to a pool assessment process.
13. Set targets for women at promotion and development pathways in line with the proportion of women in the organisation. For example, on current representation of sworn female members, this would mean that a target of a minimum of 27 per cent women would be in place for applicants for the Inspector's course.
14. Develop a talent identification program to ready staff for promotion, including developing lower level administrative/specialist support staff. This should include a mentoring program, and allowing of role shadowing.
15. Develop a new structured handover process (with checklists and discussions) for management/supervisory positions to ensure poor behaviour of people in the team continues to be appropriately managed.
16. Commission an external review of the services provided by Human Resources (HR) with a focus on them being more strategic and providing assistance with contemporary workforce planning. A HR business partner model that provides coaching and mentoring to managers in relation to people and performance management should also be considered.
17. Re-examine the conflicts of interest policy/code to ensure it covers the need to be aware of potential conflicts arising from intimate/familial relationships between supervisors and their direct staff. This should also caution against predatory behaviour.
18. Reinvigorate the performance management system so that all staff have up-to-date performance management plans and quarterly meetings about their performance, with

health and wellbeing issues included in these discussions.

19. Undertake a review of equipment to ensure there are practical and suitable options for all women.
20. Develop a new exit management strategy for employees, including a simple online survey, externally managed, through which exiting staff can provide feedback about their experiences working with SAPOL and their reasons for departure. A summary should be reviewed quarterly by ELT to inform future strategy and targeting of problem areas and people.

Training and development

It is recommended that SAPOL:

21. Provide biennial training:
 - a. to all staff on
 - i. sex discrimination and sexual harassment, making clear behaviours that are not acceptable
 - ii. unconscious bias
 - iii. bystanders' responsibilities
 - b. for all supervisors on
 - i. identifying and responding appropriately to sexual harassment and sex discrimination
 - ii. understanding and accommodating flexible work

Order of priority should be HR staff and all managers first, then remaining staff.

22. Devise a new rolling three-year training delivery plan with a focus on developing people management and performance management skills to enable the appropriate prevention and management of sex discrimination, sexual harassment and other negative behaviours. This should mostly be practical, experiential, scenario-based training as opposed to theoretical. Expert advice should be sought to guide teaching and learning activities.
23. Set targets for women for training in line with the proportion of women in the organisation. For example this would currently mean a minimum target of 27 per cent of sworn women for training opportunities.
24. Create opportunities for training for members on extended leave to continue their development and facilitate their reintegration into the workforce.
25. Review training delivery methodologies to ensure training is more accessible to those working flexibly and with outside responsibilities. This should include a greater mix of online learning and video conferencing options.

Flexible workplace cultures

It is recommended that SAPOL:

26. Adopt an 'all-roles flex' approach across all operational and leadership areas, normalising flexible work for all staff regardless of gender or level. To support this SAPOL should consider:
 - a. re-writing policies so they are simpler and less prescriptive and so flexible working conditions are more open to negotiation. As an example, split shifts should be allowed.
 - b. removing the requirement to state a reason for a request to work flexibly. If flexible working is normalised it should not be necessary to provide reasons for working this way.
 - c. removing the six-month maximum time limit on Voluntary Flexible Working Arrangements (VFWAs) and enabling applicants to return to their previous full-time equivalent at the end of an agreement.
 - d. making policies, such as the flexible work policy, freely available to all staff and any support people (such as lawyers or family).
 - e. allowing flexible work applications to be managed and signed off locally to encourage a team-based approach and prevent unnecessary time delays.
 - f. ensuring refused applications for flexible work (and the reasons for their refusal) are reviewed and reconsidered by the Assistant Commissioner for HR with a quarterly report provided to ELT.
 - g. encouraging men and senior staff to take up flexible work opportunities in order to normalise the practice.
27. Fund the backfilling of staff on maternity leave. The filling of a 'balancing' FTE should not be a precursor to an application for flexible leave being approved. Part-time roles should be advertised across the organisation.
28. Invest in technology, facilities and equipment to support flexible work, return to work, the needs of pregnant women, and staff on extended leave in the organisation including:
 - a. exploring using a simple demand-based rostering system across the organisation. The development of this system should not preclude managers approving flexible work in the interim.
 - b. providing private and clean areas for expressing breast milk and fridges or freezers for the cold storage of breast milk at work sites where required.
 - c. providing uniforms for pregnant women.
 - d. providing appropriate secure infrastructure, such as mobile devices and remote access, to facilitate employees working flexibly and support a 'stay in touch' program.

29. Develop a 'stay in touch' policy in line with the recommendations of the Fair Work Ombudsman's *Best Practice Guide Parental Leave*.¹⁷

Dispute Resolution and Complaints

It is recommended that SAPOL:

30. Establish a new and streamlined internal Complaints Resolution Unit that reports directly to an Assistant Commissioner that would:
- a. be responsible for all internal complaints related to bullying, harassment, victimisation and all forms of discrimination that are currently handled by Equity and Diversity (E&D) and Internal Investigations Section (IIS).
 - b. be staffed by trained, professional, mediators who are recruited from outside SAPOL to ensure they bring fresh perspectives and are impartial and act confidentially.
 - c. have a bias for mediating outcomes quickly, with mediators sitting down with both parties to talk through the issues prior to matters becoming adversarial. Complaints should be evaluated on the impact of the behaviour and on the basis of plausibility. Where complaints cannot be mediated, the complainant will be given the option to pursue the complaint further through legal pathways.
 - d. be based in a location where absolute confidentiality can be assured in access to and from the unit.
31. Establish a confidential complaints management tool in which all complaints would be recorded. This would enable the complainant and respondent to be kept regularly informed of the progress of a complaint and support the identification of hot spots, issues or individuals. Such a tool would be managed centrally and confidentially by the Complaints Resolution Unit. Consideration could be given to publishing de-identified outcomes for greater transparency.
32. Organise the training of Police Disciplinary Tribunal, Police Review Tribunal and Complaints Resolution Unit staff on sexual harassment, sex discrimination and unconscious bias, including the impact on victims.
33. Establish a taskforce to investigate allegations of sexual assault and sexual misconduct within SAPOL that have emerged as a result of the Review and where complainants indicate they want a matter pursued.
34. Review disciplinary processes and penalties for poor behaviour and consider revising classifications for end of service to include 'resigned under investigation' in cases within the remit of this Review.

Wellbeing and Support Services

It is recommended that SAPOL:

35. Establish mechanisms to ensure the safety and confidentiality of alleged victims of domestic violence and their alleged perpetrators when both work for SAPOL.
36. Train staff and managers in domestic violence intervention, including risk audits and safety planning.
37. Review the roles and responsibilities of Equity Contact Officers (ECOs) to ensure the role is focused on supporting employees (in addition to the professional support provided through the SAFE Space). The review should include considering which staff are best able to support their colleagues and, if necessary, call for additional nominations. Training should be initially provided for all ECOs, then updated annually. ECOs should be able to access de-briefing services available through the SAFE Space.
38. Monitor staff perspectives of organisational responses to sexual harassment, sex discrimination and wellbeing through monthly, confidential cultural surveys with findings reviewed quarterly by ELT, see Appendix G for more information.

References

- ¹ Committee for Economic Development Australia, *Australia Adjusting: Optimising national prosperity* (Committee for Economic Development Australia, 2013), at <http://www.ceda.com.au/research-and-policy/research/2013/11/austadjusting> (accessed 2016).
- ² Dr Niki Vincent, 'Management must think again if we're to meet nation's need,' *The Australian* (Sydney) February 8, 2014
- ³ Australian Workforce and Productivity Agency, *Future Focus: 2013 National Workforce Development Strategy* (Commonwealth Government of Australia, Canberra, 2013) at <http://apo.org.au/resource/future-focus-2013-national-workforce-development-strategy>(accessed 2016).
- ⁴ Workplace Gender Equality Agency, *Gender Equality Toolkit* (Australian Government 2016) at <https://www.wgea.gov.au/lead/building-gender-equality-strategy> (accessed 2016).
- ⁵ *Ibid*, 1.
- ⁶ Victorian Equal Opportunity and Human Rights Commission, *Independent Review into Sex discrimination and Sexual Harassment, Including Predatory Behaviour in Victoria Police*, (Victorian Equal Opportunity and Human Rights Commission, Victoria, 2015).
- ⁷ Elizabeth Broderick & Co., *Cultural Change: Gender Diversity and Inclusion in the Australian Federal Police*, (Elizabeth Broderick & Co, New South Wales, 2016).
- ⁸ Workplace Gender Equality Agency, above n 4, 12.
- ⁹ *Ibid*, 12.
- ¹⁰ Australian Human Rights Commission, *Working without Fear: Results of the Sexual Harassment National Telephone Survey*, (Australian Human Rights Commission, Sydney 2012) 15.
- ¹¹ *Ibid*, 6.
- ¹² Workplace Gender Equality Agency, above n 9, 12.
- ¹³ *Ibid*, 32.
- ¹⁴ Tuffin. R and Baladi. Y, 'Flexible Working Practices in the Police Service', (Police Research Series Paper 147, United Kingdom Home Office, 2007), 69.
- ¹⁵ Australian Human Rights Commission, above n 11, 47.
- ¹⁶ Workplace Gender Equality Agency, above n 13, 5-9.
- ¹⁷ Fair Work Ombudsman, *Best Practice Guide Parental Leave* (Commonwealth Government of Australia, 2016), 1

