

STOP GENDERED VIOLENCE AT WORK – VICTORIAN TRADES HALL COUNCIL MODEL CLAUSE

Statement of employer recognition and commitment on GV

1. The employer recognises that:
 - 1.1. gendered violence is a serious health and safety hazard; and
 - 1.2. No worker should experience gendered violence at work.
2. The employer has an obligation, to provide a working environment that is safe and without risk to health. This obligation includes a requirement to take all reasonably practicable steps to remove gendered violence from this workplace.

Definition of GV

3. Gendered violence is physical, sexual, psychological or economic harm directed at a person because of their gender, gender identity, sexual orientation or because they do not adhere to dominant gender stereotypes or socially prescribed gender roles.

4. Gendered violence includes:
 - 4.1. violence directed at women because they are women;
 - 4.2. violence directed at a person because they identify as LGBTI;
 - 4.3. violence directed at a person because they don't conform to socially prescribed gender roles or dominant definitions of masculinity or femininity.

5. Examples of gendered violence include (but are not limited to) behaviours and actions such as:

- Stalking
- Intimidation
- Threats
- verbal abuse
- ostracism
- rude gestures
- offensive language and imagery
- put downs
- mobbing

- sexual innuendo/insinuations
- sexual suggestions or unwanted sexual advances,
- sexual assault and rape.

Measures to address GV at the workplace

6. Gender inequalities, sexism, homophobia and transphobia at work drive gendered violence at work. Gendered violence can be perpetrated by those who are strangers/external to the workplace, and those that are internal to the workplace - clients (including inmates, patients, students, and customers), work peers and managers.

7. The employer will therefore take positive steps to:

- 7.1. eliminate gender inequalities that exist in the workplace;
- 7.2. overcome gender segregation where it exists;
- 7.3. eradicate cultures of sexism;
- 7.4. eradicate homophobia and transphobia; and
- 7.5. promote the benefits of gender equality and workplaces that are inclusive of workers from a range of backgrounds, experiences and identities.

Development of an action plan

8. Addressing the factors that underpin gendered violence will assist in preventing and eliminating that violence.

9. The employer therefore agrees to put an action plan in place, in consultation with its employees and the relevant union/s, within X months of the coming in to effect of this agreement which is designed to:

- 9.1. eliminate gender inequalities that exist in the workplace;
- 9.2. overcomes gender segregation where it exists;
- 9.3. eradicate cultures of sexism;
- 9.4. eradicate homophobia and transphobia; and



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- 9.5. promote the benefits of gender equality and workplaces that are inclusive of workers from a range of backgrounds, experiences and identities.

10. The action plan will give specific attention to vulnerable workers including those that are: engaged in service delivery and care based roles; are casual, contract, visa workers or who are otherwise insecurely engaged; identify as LQBTI; are Aboriginal or Torres Strait Islander; are culturally and linguistically diverse or have a disability.

11. The action plan will assess and address the risk of exposure to gendered violence:

- 11.1. in the work environment;
- 11.2. the way work is designed and managed; and
- 11.3. in workplace policies and procedures and practices.

Assessment of action plan implementation

12. Progress on the implementation of this action plan will be a standing item for discussion at the Consultative Committee and the Health and Safety Committee.

Allocation of resources to deal with GV

13. The employer will :

Risk assessment

- 13.1. assess the gendered violence risks in the workplace and will develop a strategy to remove these risks in conjunction with workers and the relevant union/s;

Development of guidelines

- 13.2. develop and publish workplace guidelines on solutions to overcome gendered violence in the workplace, to address gendered violence risks and the incidence of gendered violence in this workplace within X months of the coming in to effect of this agreement. These guidelines will be consistent with this clause and will be produced in consultation with the workers and relevant union/s;

Data collection and reporting

- 13.3. ensure that data, including incident reports, pertaining to gendered violence, are maintained and recorded in order to assist in and identify instances of gendered violence and to review progress towards achieving a gendered violence free workplace. This data will be made available to the consultative committee and health and safety committee. The relevant union/s will also have access to this data on request;

GV contact persons

- 13.4. identify gendered violence contact persons throughout the organisation, in consultation with workers and the relevant union/s. These persons may include managers, team leaders, union contacts and HSRs. All gendered violence contact persons will receive training on: the operation of this clause; understanding gendered violence as a serious workplace health and safety issue and; how to respond to incidences of gendered violence;

Delegate and HSR training leave

- 13.5. give paid leave away from work at least annually, for union delegates and HSRs, to attend training, delivered by VTHC or the relevant union/s, on gendered violence at work, how to overcome it, and the operation of this clause;

Senior leadership training

- 13.6. facilitate training by the senior leadership team about the operation of this clause, understanding gendered violence as a serious workplace health and safety issue, and how to promote gender equality and workplaces that are inclusive of workers from a



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range of backgrounds,
experiences and identities;

Worker training and inductions

13.7 provide training and information to all workers on the organisation's commitment to eradicating gendered violence from the workplace and the operation of this clause; and

13.8 ensure all new workers receive training and information at their induction regarding the organisation's commitment to achieving a gendered violence free workplace, the expectations of all workers to refrain from behaviours and actions that constitute gendered violence and the operation of this clause.

Employer commitments on the response to gendered violence

No adverse action

14. No adverse action will be taken against a worker who reports experiencing or witnessing gendered violence or whose attendance or performance suffers as a result of them experiencing or witnessing gendered violence at work.

Treatment of GV risks or report

15. Any employer action to address gendered violence risks or to respond to reports or incidences of gendered violence will:

- Effectively and efficiently deal with instances of gendered violence without blaming or persecuting the victim; address the behaviours and actions that constitute gendered violence as well as the stereotypes/assumptions, cultures and system of work that foster gendered violence
- Reinforce that any perpetrator is responsible for their behaviour and the choices they make
- Ensure that any investigative processes apply the principles of natural justice and procedural fairness
- Allow any worker involved in any instances of

gendered violence (including victim, witness or perpetrator) to have access to a representative of their choosing in any process associated with these instances

- Not excuse the perpetrators violent behavior or down play the significance and seriousness of the perpetrators inappropriate actions
- A worker, or group of workers, who experience or witness gendered violence may, if they choose, raise this issue as a dispute in accordance with clause X of this agreement

Support for workers who experience Gendered Violence

16. The employer will:

Access to support and counseling

- 16.1. ensure those who experience or witness gendered violence at work receive appropriate support and access to appropriately qualified counselling and other support services. Support includes access to a representative to assist in this process and paid time to deal with the impact of gendered violence;
- 16.2. provide access to support services to those who perpetrate gendered violence in order to assist them to change their behavior.; and
- 16.3. make information regarding counseling and support services readily available throughout the workplace.

Operation of this clause

17. Policies and procedures within the workplace shall be reviewed to ensure they are consistent with the provisions of this clause.

18. Nothing in this clause overrides any obligation the employer may have with respect to other clauses within this agreement or under any Act or Regulation.

19. Nothing in this clause overrides any rights a worker may have with respect to other clauses within this agreement or under any Act or Regulation.

