

ALGWA Vic is the State Branch of the National Association and serves to represent and advocate primarily for women who are elected to, or who are employed by, Victorian local governments and those women who seek to participate in local government. Its aims and objectives are:

- To assist in furthering knowledge and understanding of the function of local government
- To encourage women to participate in local government
- To encourage women to make a career in local government
- To watch over and protect the interests and rights of women in local government
- To take action in relation to any subject or activity affecting local government and local government legislation
- To act in an advisory capacity to intending women for local government election

The focus of this submission is to include the experiences of elected female councillors and the potential for improvement of the complaints process in handling and resolving complaints of sexual harassment in the complex and political local government workplace.

It may be fair to say that women who are elected to political office are perceived to have more power than some other women in different workplaces. This may be by virtue of acquiring a position where they have influence, budgetary responsibilities and make decisions on behalf of those they are elected to represent. However, having power by holding political office does not mean that councillors are not subjected to unlawful behaviours such as sexual harassment and that they have a safe and confidential path to raise issues and seek resolution.

'Workplace' has a broad definition under the Human Rights and Equal Opportunity Act, but technically 'employment' is the area of public life protected under the legislation. There are inconsistencies in how councillors are defined for different legislative purposes ie: as 'employees' under the Accident Compensation Act 1985 or as 'others' under the Occupational Health and Safety Act 2004. These inconsistencies mean that elected councillors may not currently have access to all of the legislative safeguards in relation to sexual harassment that exist for others, such as employees.

Councillor rights and responsibilities relating to bullying, discrimination and harassment are typically outlined in each council's Councillor Code of Conduct. This compulsory Code prescribes the role of a councillor under the Local Government Act 1989, the expected behaviours and the procedures for resolving informal and formal complaints in the event of an alleged breach.

While harassment (in any of its forms) may be included as an inappropriate behavior under councils' Codes of Conduct, the Local Government Act does not yet specifically include sexual harassment or define it as misconduct, serious or gross. This is anticipated to change when the review of the Local Government Act is finalised. The recent City of Melbourne sexual misconduct case brought by female Councillors against the Lord Mayor has no doubt influenced this change. It is a relevant case study that should be considered as part of this National Inquiry.

The workplace of a councillor is as vast and varied as the functions and services provided by a local council. Some examples of the workplace for a councillor include the council chamber where decisions are formally made; a community centre or sports club where a function is held; the offices at council where meetings are conducted or a public place used for community consultation. The work of a councillor can begin very early in the morning and finish very late at night. Duties are often undertaken on any, or every, day of the week.

Councillors undoubtedly experience sexual harassment, though it is difficult to quantify, but anecdotal information suggests that female councillors are at least as likely to experience sexual

harassment in the course of their duties as any other women in their workplaces. Examples shared by some female councillors are as follows:

- A male councillor observed that a female councillor colleague had a ladder in her stocking by saying "I see a stairway to heaven". This comment was made in a formal meeting of the Council.
- A newly elected female councillor, the only woman present at a residential councillor induction, attends the evening dinner session and is subjected to public comments and jokes from her all male colleague councillors and senior officers such as "and what room is Cr XX in tonight.... Perhaps she would like a visitor..." She is so terrified she leaves the dinner early and locks herself in her room.
- During an early evening internal council meeting a young female councillor eats a piece of fruit – a banana – having just come straight from her place of employment. A male councillor sitting opposite says audibly and suggestively "I'd like to be in that skin" to the guffaws of male colleagues.
- A female councillor received regular private messages on Facebook from a male councillor from another municipality in response to her Facebook posts such as "you take great photos.... There's a reason for that", "I liked it when the mayors were pretty", "And I missed you looking like that? Ouch!!"
- A local shop owner constituent with whom a female councillor had council dealings was persistent in sending a wave emoticon over a number evenings, sometimes as late as 9.30 pm, and followed up by asking "what doing. I'm relaxing in bed".
- A female councillor was asked by a male councillor as they walked to the councillor office after an internal meeting "would you like me to lick you out?"

In a political environment, it is very difficult for women to speak up about experiences of bullying and sexual harassment, and there is a fear factor about political retribution and victimisation that certainly prevents women from exercising their entitlement to a workplace free from harassment.

The mayor of a council has a mandated role in the complaints procedure which was legislated under the Local Government Amendment (Improved Governance) Act 2015. As was evidenced in the Melbourne City Council complaint, if the mayor is the alleged harasser, there is an immediate impediment to a complainant having access to a safe and confidential process. Issues of impartiality can also be a problem. An improvement to the process would be the availability of an independent source of support and resolution for complaints of sexual harassment to uphold the principles of natural justice and ensure impartiality, confidentiality, timeliness and protection from victimisation for complainants.

ALGWA Vic, as a member-based organisation with a volunteer Board and no government funding was uniquely placed as the only organisation to provide independent support to parties requiring it in the Melbourne City Council complaint and has subsequently been contacted by other women for support on these complex and distressing issues.

ALGWA Vic hopes that through this National Inquiry, the experiences of elected councillors and their different workplace circumstances are considered and that there is greater understanding of the complexities involved in raising complaints and reaching resolution in a political environment.

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