



**Victorian Equal Opportunity
& Human Rights Commission**

INDEPENDENT REVIEW INTO

Workplace Equality in Ambulance Victoria

VOLUME ONE



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Contact us

Enquiry Line	1300 292 153
NRS Voice Relay	1300 555 727 then use 1300 292 153
Interpreters	1300 152 494
Email	enquiries@veohrc.vic.gov.au
Website	www.humanrights.vic.gov.au

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Independent Review into Workplace Equality in Ambulance Victoria – Volume 1
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INDEPENDENT REVIEW INTO

Workplace Equality in Ambulance Victoria

VOLUME 1



Message from the Commissioner

I am alive today because I had the fortune to be cared for by Ambulance Victoria when I needed it most. It's an experience I know I share with thousands of other Victorians, all of us owing our lives to the dedication and quality of care of Ambulance Victoria's 7550 employees and first responders.

Members of our community hold the state's ambulance service in high regard.

Today, and over hundreds of days since 2020, Ambulance Victoria's employees and first responders have faced significant personal risk doing the simple task of just going to work each day, tirelessly supporting the community throughout the COVID-19 pandemic.

The commitment of Ambulance Victoria to address the systemic change needed to ensure all employees and first responders feel safe and valued also reinforces that this confidence is well placed.

The dedication to treat patients with dignity and respect must be matched with the everyday experiences of all employees and first responders. Yet, since commencing as the Victorian Equal Opportunity and Human Rights Commissioner in June 2021, I have learned that for some people who dedicate themselves to caring for the Victorian community, their experiences at Ambulance Victoria have been marred by unlawful or harmful workplace conduct – discrimination, sexual harassment, bullying, victimisation and everyday incivility or disrespect.

For too many, the impacts have been profound and long-lasting.

Those experiences, detailed in this report, make for difficult reading. It is essential reading, however, as every one of those stories deserves to be heard and the nature and scale of the problems need to be understood so that they can be addressed. Change must happen.

It is this recognition that things cannot continue as they are that led Ambulance Victoria Chair, Mr Ken Lay AO APM, supported by the organisation's CEO, Professor Tony Walker ASM, to invite the Commission to conduct an *Independent review into workplace equality in Ambulance Victoria*. I congratulate them both for stepping up, for having the courage to request this review and for supporting its conduct and for opening themselves and the organisation up to external review by Victoria's equal opportunity and human rights regulator. Their commitment at the outset of the review to implement the Commission's recommendations shows genuineness and should give great cause for hope.

These are important and difficult issues to grapple with. And, of course, Ambulance Victoria is not alone in them. This report – the findings about the nature, extent, impact and drivers of discrimination, sexual harassment, bullying and victimisation – should be a wake-up call to all Board directors and CEOs. No matter the industry, no one is above the law.

I want to acknowledge and thank each and every person who came forward to the Commission during the review. This is your review – your experiences and views have shaped this report. Your bravery in coming forward reinforces the message you so often told us – you care so deeply for your work, patients and Ambulance Victoria as an organisation that you want to see change.

I have no doubt that your experiences and suggestions will shape the future of Ambulance Victoria for many years to come, one that I am hopeful will embody the principles of safety, respect, trust, equality, fairness and inclusion.

The work ahead of Ambulance Victoria will be hard and it won't be finished tomorrow, but the Commission will be there walking alongside the organisation at each step.

The work will require visible leadership and a sustained commitment and resources. It will require a collective effort – by current and future governments, by today's Board directors and those who may join in the future, by the CEO and the Executive Committee, by everyone in the workforce and the organisation's key partners, including the Department of Health and the various unions and professional associations.

Everyone should be asking themselves: what am I doing to make sure my workplace is safe, equal and inclusive, to make sure that the people who care for Victorians or who enable that care are themselves cared for? What am I going to do to set the standard, not walk past it?



Ro Allen

Victorian Equal Opportunity and Human Rights Commissioner



Message from Ambulance Victoria's Chair

This Report is both painful and confronting.

It has laid bare a significant part of Ambulance Victoria that many might not believe existed, but it does.

The breadth and depth of issues of incivility, disrespect, discrimination, sexual harassment, bullying and victimisation in our workplace are deeply disturbing.

Far too many of these stories hide in plain sight – accepted, tolerated, or ignored.

Each and every one of these stories recount a level of harm that has been inflicted on our people by those they work alongside. Sometimes the harm is short lived, sometimes it is career ending, often it ends in long term pain and suffering.

The Victorian Equal Opportunity and Human Rights Commission must be commended for their work in bringing these experiences to life.

For people like me in a position of power and influence, the work has contributed to a far deeper understanding of the depth of the challenges that the Board, the Executive, and all of those who work within the organisation face.

It is now the time to deeply reflect on what this work tells us about our workplace and what needs to change to make the organisation a better, safer and more equal place to work.

A workplace based on safety, respect and trust is essential.

It has never been more important than during these COVID times when our people are working harder than ever to look after the Victorian community.

We recognise the significant effort of our workforce during these unprecedented and challenging times.

The Ambulance Victoria Board is committed to working with the CEO and the Executive Committee to purge the organisation of the destructive elements of our culture and to improve and safeguard our workplace for all those who work at Ambulance Victoria.

The Commission has recognised that the organisation has undertaken a significant reform journey over the past six years, delivering the biggest era of change in Ambulance Victoria's history.

That reform journey must now continue and our work has begun. The courage of those who have come forward must be rewarded with a renewed commitment and drive to make things better.

That courage must be the catalyst for immediate and sustainable change.

The voices of victim survivors have been heard.

On behalf of the Board, I acknowledge and unreservedly apologise to the people – past and present - who have experienced unacceptable hurt and harm within the Ambulance Victoria workplace.

I apologise for the further harm caused when the organisation's response has failed them.

The Board is reflecting on how we will do better and the leadership role we must play in not simply holding the organisation to account, but in setting the standards and tone as part of our positive duty to prevent harm and foster a workplace of diversity, equality and inclusion.

We can and will do more to ensure we care for the carers.

As a leader, words and commitments are sometimes all too easy to utter.

This Board will be judged on our success in honouring the courage of those who have come forward by making Ambulance Victoria a better place to work.



Ken Lay AO APM

**Chair
Ambulance Victoria**



Message from Ambulance Victoria's CEO

A female Paramedic asked for flexible work arrangements so she could care for her small children.

She was blocked, belittled and feared retribution from her managers.

It damaged her trust in the system and she felt unsafe to come to work.

Her mental health and reputation suffered as she was labelled 'difficult'.

This Paramedic's story was one of the experiences that was shared personally with me. It was learning from her experience, and many others, that I felt the enormity of the issues and challenges we face.

This experience reveals a system that did not sufficiently respect her or listen and act on her needs and concerns. It then victimised her for trying to speak up.

The stories of Ambulance Victoria staff and volunteers that have been shared with the Victorian Equal Opportunity and Human Rights Commission since late 2020 – experiences of discrimination, sexual harassment, bullying and victimisation – are deeply confronting. The breadth and depth of entrenched behaviours and power imbalances are impacting our people.

Behaviours that do not align to the values of our organisation.

Behaviours that do not align to the expectation of the community we are so proud to provide emergency care for.

As the Commission rightly highlights, some such instances are not merely hurtful or harmful, they are unlawful.

This report is hard to read, but we must hear, feel and acknowledge the wrongs as the foundation for meaningful change.

To those who have shared your experience – either with the Commission or directly with me – I thank you for your bravery.

To those people, past and present, who have been subjected to behaviours and actions that are not consistent with our values, I unreservedly apologise.

I believe fundamentally that people come to work to do their best in the very important and critical role that Ambulance Victoria has in the community. There are many people in Ambulance Victoria who act appropriately, call out and respond to unlawful behaviour. This is the workplace culture we want every staff member and first responder to be part of.

Sadly instead, incivility and disrespect have been shown to be so ingrained in our culture that people can't recognise how their individual behaviours contribute to an acceptance that this is 'just how we do things at Ambulance Victoria'.

This is not acceptable. This must change, and from this point forward it will.

There is no place in Ambulance Victoria for people who engage in or protect harmful or unlawful conduct.

The actions of perpetrators – no matter their level of clinical or corporate experience – will not be tolerated. Their actions have harmed individuals.

As the CEO of this organisation, I accept all recommendations in this report. The level of change required is extensive. It will take dedicated focus and time to undo a culture that has become pervasive over many decades. My leadership team and I commit to implementing the reforms to work towards rebuilding a workplace based on safety, equality, respect and trust.

Over the past six years, as part of a significant era of reform, we've invested heavily in improving the physical and mental health, wellbeing and safety of our people and building a gender-balanced workforce. We clearly have more work to do.

We must create an environment where everyone feels safe and supported to show up respectfully; speak up safely if they experience hurtful, harmful or unlawful behaviours; and stand up supportively if we see this happening to each other.

We must create a workplace that celebrates and sustains diversity and equality, where everyone feels safe and included to be their best selves and achieve their best.

It's in our collective DNA to care and prevent harm for our patients. We need to do the same for each other.

We are mindful of the unprecedented pressure the COVID-19 response has had on the workforce. This is no reason to tolerate harmful behaviour. It does mean that it is more important than ever for our people to look after each other.

I want to thank Ambulance Victoria Chair Ken Lay AO APM for his leadership and insights, working together to call for and fully support this Review.

I acknowledge the Commission for their extensive and critical work over the past 16 months in bringing a vital external lens to these challenges.

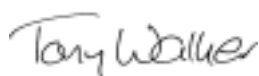
It will be important for each of us to reflect deeply on what people have told us and have meaningful and ongoing conversations so we can together shape our future.

Our priority from the outset of this Review has been supporting our people and strengthening the systems that will change their experience. Work is well-progressed with key initiatives that lay the foundations for the long-term and meaningful reforms that are needed to make AV a safer and more inclusive place to work.

Based on the Commission's full findings and recommendations, we will now focus on developing and implementing a detailed roadmap for our transformation, to be created in partnership with our people, our stakeholders and external experts through newly-established forums and co-design processes.

Our people have demonstrated an enormous capacity to deliver reform, which gives me confidence that with this work as a foundation, we will together achieve this change.

It is invaluable to have the Commission's guidance to help us work toward a workplace that's equal, fair and inclusive for all our people, in all of their diversity.



Professor Tony Walker ASM

**Chief Executive Officer
Ambulance Victoria**

Acknowledgements

An independent review requires hard work, commitment and courage over the long-term, to embed changes that will result in meaningful outcomes and new ways of working. There are a great number of people who have contributed in this way to the Commission's independent review into Ambulance Victoria; on behalf of the Victorian Equal Opportunity and Human Rights Commission, I would like to thank each and every one of you.

In particular, I want to acknowledge the brave individuals who in October 2020 came forward to share your experiences publicly, as well as the countless courageous individuals who came forward to the Commission to share your experiences and views during the review. Your experiences, your views and your suggestions provided the Commission with invaluable insights into the current status of workplace equality at Ambulance Victoria and the steps that are needed to embed equality going forward. This is your review; it is your stories and your voices that fill the pages in this report.

As well as current and former employees and first responders, the Commission benefitted from the expert insights generously volunteered by experts across the public and private sectors, including through expert focus groups and consultations.

I acknowledge the leadership of Mr Ken Lay AO APM and Professor Tony Walker ASM in inviting the Commission to conduct the review and their ongoing dedication and support throughout, their willingness to genuinely listen to the voices of those individuals who came forward to us, to sit with the discomfort and to reflect and commit to a different future for Ambulance Victoria. This takes great courage. More leaders should follow in your footsteps.

I also extend my thanks to each member of the Ambulance Victoria Board and the Executive Committee. Support for a review of this nature needs to come from all corners of an organisation and you have given the Commission just that. I am confident that your commitment to creating a new Ambulance Victoria will follow through to the implementation of the recommendations in this final report. And my team and I will be there to support you during this next stage.

Special acknowledgment and thanks are owed to Ms Nicola Reinders (Executive Lead: VEOHRC Workplace Equality Review and Executive Director: Quality and Patient Experience) and Ms Janelle McDermott (Executive Coordinator). Few people have contributed as extensively or with as much commitment as you both have. Your dedication to the employees and first responders of Ambulance Victoria has never wavered and your support has been immense. My team and I are truly grateful.

I also wish to acknowledge the many other people at Ambulance Victoria who have continuously engaged with the Commission and supported the review. From compiling thousands of pages of documents in response to the Commission's extensive data requests, to sharing your experiences and ideas in submissions, in interviews and in focus groups. Of course, there are more people to acknowledge than there is space here.

To succeed, an organisation like Ambulance Victoria needs the support and commitment of its critical partners. I am grateful to each of them for also supporting the Commission and the review.

To Ambulance Employees Australia Victoria, Professionals Australia and the Victorian Ambulance Union Incorporated, I extend my sincerest thanks for your open and frank discussions, for supporting your members to participate in the review and for sharing with them information about the review. I am also grateful for the direct contributions your respective organisations have made to the review, from your submissions to group interviews.

I am also grateful to the Public Sector Gender Equality Commissioner, the Victorian Government Department of Health and WorkSafe Victoria for your time and expert insights. At WorkSafe, I would particularly like to acknowledge the support of the Psychosocial Inspectorate, led by Mr Brent Campbell, and the Psychological Health and Safety Specialist Team, led by Dr Libby Brook, as well as the generous contributions of Anita Forde who joined the Commission for a short period to support the review.

I also extend my sincerest thanks to Ms Kristen Hilton, former Victorian Equal Opportunity and Human Rights Commissioner, for your vision and leadership during the initial stages of this review and for bringing together our esteemed Expert Panel.

To our expert panellists – Mr Tim Cartwright APM, Dr Mya Cubitt, Mr Adam Fennessy PSM, Ms Michelle Fyfe APM and Dr Victor Sojo Monzon – the Commission and the review has benefitted immeasurably from your expertise, your insights and your generosity; you were the right experts to guide this work. Thank you.

And I would like to acknowledge and thank my dedicated team who listened intently to every story told to them and who showed great commitment at every stage of the review: Catherine Dixon, Simone Cusack, Kirstie Twigg, Emma Coetsee, Kathryn Moloney, Larson Landes, Rohini Thomas, Joshua Teng, Sebastian Sharp, Rosie Ward, Renee Burns, and - for volume II - Laura Vines, Jennifer Wolcott, Justine Vaisutis, Christie Parkinson and many others across the Commission. I also thank those individuals who joined the team on a short-term basis to provide support during peak periods of the review.

I would also like to acknowledge the Victorian Government Library Service for its continued support in facilitating our research requests in such an efficient and timely manner.

Finally, to all who have contributed, I understand the investment that is needed to contribute to a review. To have contributed during the middle of an unprecedented, sustained global health pandemic, requires extraordinary commitment. Thank you.

Ro Allen

Victorian Equal Opportunity and Human Rights Commissioner

Where to go if you need help

The Commission acknowledges that the material in this report – particularly the stories of discrimination, sexual harassment, bullying and victimisation – may cause distress. There are support services available for those who need them, including those services in Appendix A.

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Executive summary

Every day, Ambulance Victoria is responsible for providing emergency healthcare for over 6.5 million Victorians across more than 227,000 square kilometres. Ambulance Victoria seeks to ensure that people who call triple zero (000) receive timely, excellent and respectful treatment when they need it most.

With a workforce of 7550 operational and corporate employees and first responders, Ambulance Victoria has undergone considerable growth and transformation since its establishment in 2008. These changes include better integration into the broader health sector and the rapid growth in women employees and first responders in what was a male-dominated sector. Since 2016, Ambulance Victoria has seen a 31% increase in its overall workforce and a 46% increase in women employees.

In 2015 the Victorian Government established an Ambulance Performance and Policy Consultative Committee to address significant performance issues facing Victoria's ambulance services including slow response times, poor workforce morale and 'ramping'. The committee's December 2015 report provided a blueprint for ongoing reforms and improvements at Ambulance Victoria.

Ambulance Victoria has since embraced the professionalisation of Paramedicine, and the challenge of meeting the increasingly complex needs of an aging, growing population. Growing demands have been compounded by Ambulance Victoria's front-line role in responding to the unprecedented and sustained, global COVID-19 pandemic.

Ambulance Victoria is adapting and innovating in response to these demands, maturing into a modern, professional and inclusive ambulance service. However, challenges, including driving long-term cultural change to achieve substantive equality, fairness and inclusion remain.

Like many organisations today – particularly following the emergence of the global #MeToo movement and national and state inquiries into workplace sexual harassment – Ambulance Victoria is reflecting on how to provide a safe and respectful workplace free from discrimination, sexual harassment, bullying and victimisation. Ambulance Victoria is committed to ensuring employees and first responders are treated fairly and equally, with a culture of trust, respect and inclusion.

Being treated fairly and equally at work is a basic human right. No one should have to fear for their physical or psychological safety while doing their job or volunteering. A safe and equal workplace is also critical to ensure Ambulance Victoria can respond to increasing demands and deliver quality, compassionate patient care to Victoria's diverse community.

The independent review

In October 2020, a number of individuals bravely came forward to publicly share stories of discrimination, sexual harassment, bullying and victimisation at Ambulance Victoria.¹ Their allegations centred on unlawful conduct,

predominantly against women. They spoke of an ongoing and pervasive workplace culture that demeans, discriminates against and excludes women.

Ambulance Victoria responded swiftly. Within days, the Chair, supported by the Chief Executive, asked the Victorian Equal Opportunity and Human Rights Commission (**the Commission**) to undertake an *Independent review into workplace equality in Ambulance Victoria (independent review or review)* under section 151 of the *Equal Opportunity Act 2010 (Vic) (Equal Opportunity Act)*.

The terms of reference established for the independent review directed the Commission to:

- examine the nature, extent, drivers and impacts of discrimination, sexual harassment, bullying and victimisation
- consider the adequacy of Ambulance Victoria's response to such unlawful conduct
- identify leading practice strategies to ensure a safe, equal and inclusive organisation that promotes positive workplace systems, values and behaviours.

Chapter 1 of this report provides background on the conduct of this review.

After receiving ethics approval for our research methodology in January 2021, the Commission gathered extensive data and information about the programs and practices of Ambulance Victoria.

We received 2163 responses to our survey. We interviewed 255 people, heard from 32 people in focus groups and 143 people made written submissions. We spoke to more employees and first responders during our 15 on-site visits and eight observational shifts. We reviewed 1213 documents provided by Ambulance Victoria, undertook seven literature reviews and considered leading practice approaches to reducing workplace harm and embedding workplace equality, including from the review's esteemed Expert Panel.

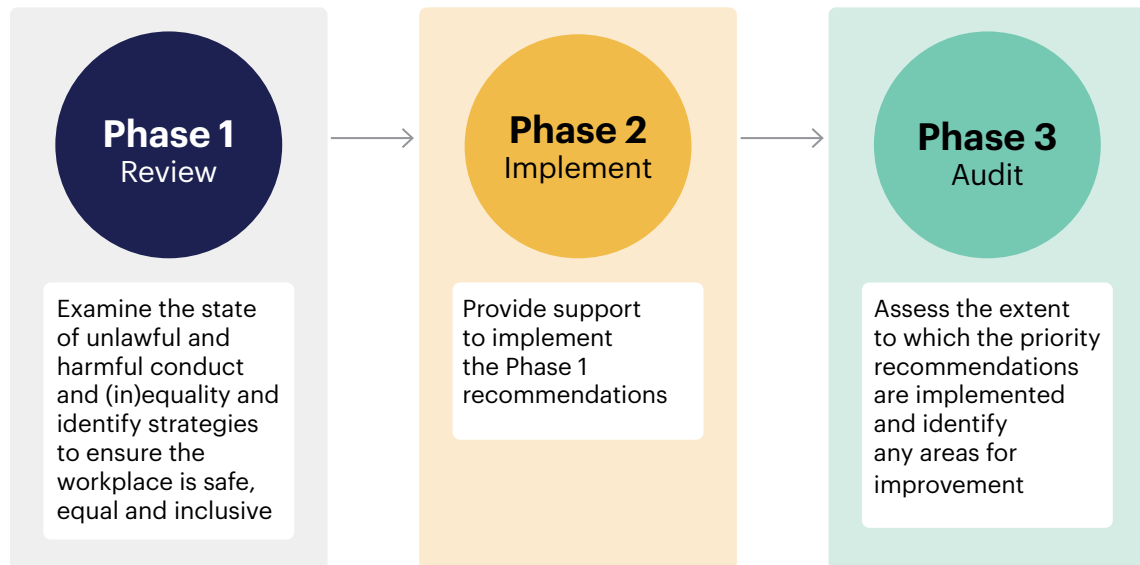
The reforms that we recommend are uniquely informed by the personal experiences – both positive and negative – of those who came forward to tell us what working and volunteering at Ambulance Victoria is like. We engaged widely and deeply with current and former employees and first responders, but also with experts and critical partners, particularly unions, professional associations and the Victorian Department of Health.

Given the very high numbers of employees and first responders who wished to participate in the review, and the on-going impacts of the COVID-19 pandemic, in late 2021 the Commission requested a variation to the terms of reference to enable us to deliver the final report of the independent review in two distinct volumes.

The first volume of the final report, delivered in November 2021, focuses on building **safety, respect** and **trust**. The second volume, delivered in March 2022, focuses on **equality, fairness** and **inclusion**. We encourage Ambulance Victoria to view the recommendations together and to commit to an integrated, whole-of-organisation approach to their implementation.

Volume I sets a clear pathway for Ambulance Victoria to address some immediate issues to ensure all employees and first responders in Ambulance Victoria feel safe, and are safe, in their workplace. It also lays the groundwork for longer-term reforms further developed in Volume II. Volume II focuses on strategies to embed workplace equality and safety across the employment lifecycle – from recruitment to retirement – and across all levels of the organisation.

Ambulance Victoria has committed to implementing all of the Commission's recommendations, embracing the opportunity to become a leading, modern ambulance service - not just in terms of its operations, but its culture. Ambulance Victoria is determined to address the substantial discrimination, sexual harassment, bullying and victimisation identified in this review.



Phase 2 of the review will involve Ambulance Victoria implementing the recommendations. While continuing to act as the independent regulator, the Commission will support Ambulance Victoria through this process, providing expert advice and guidance where needed, including to clarify the intent or context for particular recommendations and share examples of leading practice.

In Phase 3 of this review, the Commission will audit the implementation of the review's recommendations. We will publish our findings and any further recommendations for improvement by 30 November 2023. The purpose of the audit is to determine the extent to which Ambulance Victoria has moved towards compliance with the Equal Opportunity Act.

Achieving a safe and equal workplace will require the collective effort of Ambulance Victoria's leadership, critical partners and all employees and first responders. There are no quick fixes. There is a need for systemic long-term change to build a culture of respect, trust and civility. We must start by listening to the voices of those who courageously participated in this review, and then ensure Ambulance Victoria provides ways for employees and first responders to safely continue to share their experiences, concerns and ideas into the future.

The Commission acknowledges that its final report is being delivered in the context of unprecedented, sustained demand and pressure on Ambulance Victoria and the broader health system. Such pressures and the limitations of resourcing will affect Ambulance Victoria's capacity to implement the reforms recommended by this review. However, they also add to the impetus for action. Staff safety, wellbeing and morale are essential to ensuring the workforce has the resilience, motivation and trust needed to meet growing demands.

Preventing unlawful conduct

How Ambulance Victoria seeks to prevent unlawful and harmful conduct

Section 15 of the Equal Opportunity Act requires Ambulance Victoria to provide a safe working environment by taking reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible. This positive duty extends to bullying that is based on a protected attribute, such as age, disability, race or sex. Chapter 3 of this report outlines the requirements and benefits of workplace equality, and Ambulance Victoria's current approach to workplace equality. Chapter 4 outlines the importance of preventing unlawful and harmful conduct at work and Ambulance Victoria's current approach to prevention.

Ambulance Victoria has adopted and implemented a range of measures that aim to provide its employees and first responders with a safe working environment. Many of these measures support the organisation's progress towards compliance with the positive duty in the Equal Opportunity Act.

Ambulance Victoria's approach has been guided by its organisational values – being respectful, working together, being accountable, openly communicating and driving innovation – that detail (un)acceptable standards of behaviour. One of its four strategic priorities has been to provide '[a] great place to work and volunteer'.

Ambulance Victoria has sought to embed these values in a variety of ways. Its code of conduct and strategic plan describe the intention behind the values and how they apply to the organisation's day-to-day work. Ambulance Victoria promotes its values through its induction, recognition and development programs and performance development processes.

More broadly, Ambulance Victoria's approach to preventing discrimination, sexual harassment, bullying and victimisation is guided by a combination of frameworks, strategies and policies including those related to health and safety, diversity and inclusion, integrity and ethics, complaints, workforce supports, professional development and risk management, as well as education and training.

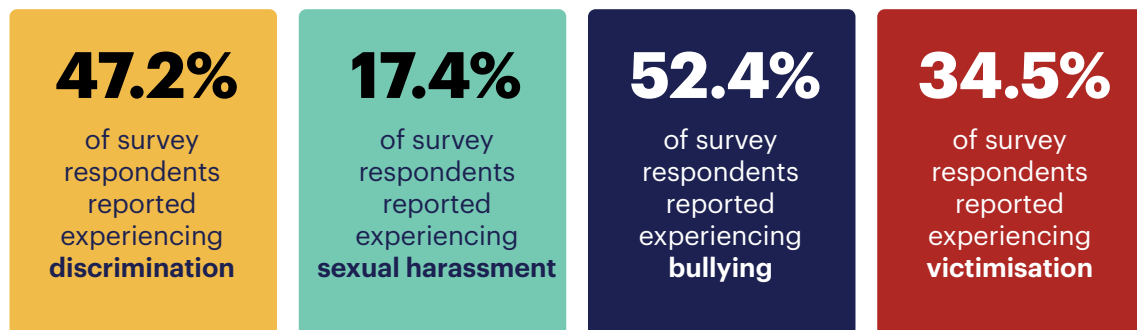
Key recent Ambulance Victoria initiatives include measures to support and encourage people to act when they witness or later learn about unlawful or harmful workplace conduct. It has also invested heavily in strengthening mental health supports for its workforce and recognised the need to improve its report and complaints system, implementing significant changes since 2017.

Much of the organisation's early and continued efforts to address inequality have been directed at women, paralleling women's journey into the organisation in increasing numbers. However, these efforts have recently broadened to address the low representation of minority groups, create a more inclusive culture and support a more diverse workforce. For example, in 2017, Ambulance Victoria introduced a cadetship program to help to increase the number of First Nations paramedics.

Experiences of unlawful and harmful conduct

Extent

Chapter 5 outlines the extent, nature and impact of the experiences of unlawful and harmful workplace conduct reported to this review. The Commission's workforce survey, reinforced by the interviews and submissions, reveals a concerning high number of participants who reported experiencing discrimination, sexual harassment, bullying and/or victimisation at Ambulance Victoria.² Incivility and other everyday forms of disrespect and everyday sexism were also widely reported. While not necessarily unlawful, these types of behaviours are themselves harmful and create a permissive environment for more widespread and serious conduct.



The high number of participants who reported witnessing or later learning about discrimination, sexual harassment, bullying and/or victimisation at Ambulance Victoria – bystanders – further reinforced the scale of this conduct within the organisation.

Other people within Ambulance Victoria told us that they did not share these experiences. Others who did not come forward as part of this review may similarly not share these experiences. However, in a context where any unlawful conduct and harm is unacceptable, the scale of the harmful conduct that was reported to the Commission – experienced directly or as a bystander – is cause for serious concern.

The experiences shared with the Commission show that Ambulance Victoria's efforts to prevent unlawful and harmful conduct have been insufficient. They speak to a workforce in which many members do not feel safe, have lost trust and, unlike their patients, do not feel valued or cared for. Moreover, the Commission found that for a substantial number of staff members, discrimination, sexual harassment, bullying and victimisation is current, not historical. Most of the reported conduct occurred in the past five years, and a total of 348 survey respondents said their experiences of unlawful conduct were ongoing.

The sustained, global COVID-19 pandemic may have exacerbated poor behaviour in a workforce under extreme pressure, and impeded the implementation of certain preventative measures like training. However, the extent of this unlawful conduct cannot be attributed to or minimised by that pressure. Based on what the Commission heard, tolerance of poor behaviours, particularly everyday forms of disrespect, have seeped into the fabric of Ambulance Victoria over a long period.

The urgent need for change is underscored by the Commission's finding that perceptions of safety and respect were low across survey respondents, interviews and submissions, notwithstanding the organisation's recent focus on employee and first responder mental health and wellbeing.

Fewer than two in seven survey respondents told us they felt 'very safe' or 'completely safe' from unlawful conduct at Ambulance Victoria, and almost a quarter (21.4%) of survey respondents told us they 'do not feel safe at all'.³ Women were less likely than men to say they felt safe, and feelings of safety were comparatively low amongst participants who identify as LGBTIQ+, have a disability and/or are from a racial minority, as well as those working in male-dominated teams. They were particularly low amongst survey participants who reported having personally experienced discrimination, sexual harassment, bullying and victimisation.

I'm a white male in my mid 30s ... so I've had a pretty cruisy run to be honest... And I think the frustrating thing for me is that I've got a lot of female friends I've had to observe them having not the same experiences...

Participant, Interview

I don't feel like it's a safe place, especially for someone who was an immigrant that now works for us. Someone who's transitioning... I think it is unsafe. This organisation's culture is unsafe for people who are not white males. It's really bad. *Participant, Interview*

The Commission learned of a pervasive lack of respect within Ambulance Victoria. Over one-third of survey respondents said they felt 'not at all' or 'only slightly' respected at work.⁴ While levels of respect were particularly low for some groups of employees and first responders, participants from across the organisation noted it as an area of concern. So extensive were the reports in interviews and in submissions, that it is evident that disrespect has been normalised and tolerated within the organisation.

I'd never come across a collective who were so routinely disrespectful to their colleagues. *Participant, Interview*

So, I've worked in big organisations and I've been a small player in all those organisations, but I've never been treated with such disdain and such disrespect from an organisation that is supposedly all about care and provision of safety. *Participant, Interview*

Nature

The Commission found that women were at heightened risk of experiencing sexual harassment and sex/gender and related forms of discrimination, including pregnancy and parental status discrimination. However, other forms of discrimination and bullying were widely reported by participants, including those belonging to different demographic groups, cohorts and regions. The experiences reported to the Commission by participants suggest that bullying and incivility are defining features of the organisation's culture.

It's very much – you've got to be aggressive and alpha and mean and rude. This is how this whole thing started, I believe ... then once it happens to someone, they think, "Well, I went through it, so you can go through it".
[A] rite of passage. *Participant, Interview*

The most common types of discriminatory behaviour reported to the Commission involved verbal, physical or written abuse and limiting access to training, promotion and progression. Sexual harassment most often involved sexually suggestive comments and jokes and unwelcome touching, including sexual assault. Bullying commonly took the form of hostile behaviour and verbal abuse.

Men were most often identified as the alleged perpetrators. In our survey, this included 77.6% for discrimination, 90.3% for sexual harassment and 67.7% for bullying.⁵ Alleged perpetrators of discrimination and bullying were more often reported to be in a position of seniority. Conversely, sexual harassment was reported to be perpetrated more often by a co-worker.

A substantial number of survey respondents told the Commission that they were bystanders to unlawful conduct; this included 47.7% to discrimination, 39.3% to sexual harassment and 66.4% to bullying.⁶ This paints a picture of unlawful and harmful conduct occurring 'in plain sight' or otherwise being an open secret in the organisation. At the same time, unlawful conduct was reported to be occurring in isolated and unsupervised work locations, for example in vehicles and remote offices.

Impacts

The reported impacts of experiencing discrimination, sexual harassment, bullying and victimisation at Ambulance Victoria varied. Some participants told us the impacts have been profound and wide-ranging.

We commonly heard that mental ill-health and stress followed unlawful conduct. For some, this meant feelings of dread about coming to work and undermining confidence and self-esteem. Concerningly, for a small group of participants, we heard that their distress was so severe that it led them to attempt suicide. A number also told us about experiences of suicidal ideation. This cannot continue.

Who would've guessed the most traumatic thing I've experienced and witnessed as a [P]aramedic was workplace behaviour?

Participant, Written submission

For some participants, the impact of their experiences was compounded by poor organisational responses which contributed to poor mental health outcomes and a wider decline in workforce morale and trust in the organisation.

In addition to the significant personal toll, the extent of unlawful conduct and disrespect within the organisation is eroding workplace culture, morale, and confidence.

While the Commission did not hear evidence that unlawful conduct and harm led to specific clinical errors or poor patient experiences, the extent of poor culture and morale identified in this review will impact all organisational outputs. Concerningly, a culture of fear and victimisation is unlikely to support open, robust discussion of clinical practice and patient care.

Working towards a holistic approach to prevention

The Commission commends Ambulance Victoria for the measures it has implemented to address workplace safety and equality which have accelerated since commissioning this review. However, we found that the organisation's approach to preventing discrimination, sexual harassment, bullying and victimisation is still developing and maturing, and that it is not yet complying fully with the positive duty in the Equal Opportunity Act. Chapter 6 outlines how to work towards a holistic approach to prevention, starting with a greater understanding of the drivers of unlawful and harmful conduct at Ambulance Victoria.

The Commission found the effectiveness of the preventative measures adopted by Ambulance Victoria has been limited by a lack of analysis, understanding and integrated planning to address the root causes and underlying drivers of these harms. There is a need to address not only individual behaviours, but systemic, structural and cultural aspects of workplace safety and equality identified through this review and summarised below.

Drivers of unlawful and harmful conduct at Ambulance Victoria		
Power imbalances	Organisational tolerance and culture of silence	Leadership and management gaps
<ul style="list-style-type: none"> The abuse of formal and informal power Hierarchical command and control structures Gender inequality 	<ul style="list-style-type: none"> A permissive environment The threat of victimisation Lack of perpetrator accountability 	<ul style="list-style-type: none"> Inadequate role modelling Autocratic leadership styles Management capability gaps
Disproportionate focus on operational KPIs	Structural barriers	Work-related risk factors
<ul style="list-style-type: none"> An imbalance of priorities Corporate and operational divide 	<ul style="list-style-type: none"> Endorsement requirements for progression and promotion Systems unsupportive of flexible work 	<ul style="list-style-type: none"> Isolated or remote work Organisational change High stress environment

The Commission found that prevention has not been prioritised and elevated through a comprehensive prevention approach with clear accountabilities, measurable outputs and monitoring of longer-term outcomes.

In addition, the Commission found that there has been a loss of faith in Ambulance Victoria's leadership due to the gap between the organisation's espoused values and people's lived experience, particularly the failure of some leaders and managers to model respectful conduct and to hold individuals consistently to account for failing to adhere to expected standards. Ironically, the profound lack of trust in the organisation and the victimisation of complainants has worked to obscure the true extent of the problem and undermine efforts to monitor and assess risks.

I think it's about trust. Some people talk about values and they're written on the bottom of email signatures and they're on the board at the branch and everyone knows ... what the five values of AV are. So, they're talked about, but people's lived experience doesn't reflect it. ... So, you can tell [them] to the cows come home that we value integrity or we value trust or whatever, but if people go to work and don't experience that, then it's a very different experience for them. *Participant, Interview*

The Commission found limited training and support for leaders and managers, including on how to build a safe, respectful and inclusive workplace culture. Low attendance at such training is also compromising capability to lead challenging conversations about unlawful or harmful workplace conduct - in contrast to the evident capability in leading difficult conversations around clinical issues. We found that there are significant opportunities to improve understanding of the Equal Opportunity Act, as well as the drivers and impacts of workplace discrimination, sexual harassment, bullying and victimisation across Ambulance Victoria.

The Commission was concerned to learn that Ambulance Victoria did not explicitly treat discrimination, sexual harassment, bullying and victimisation as significant organisational risks. Furthermore, the Commission found an overreliance on, and lack of analysis of, available information and data, including using data to monitor, identify and assess related risks. Low rates of complaints and participation in staff surveys, driven by fear and a lack of trust, masked the extent and nature of harm. There is a need to establish the systems and culture which enable victims and bystanders to speak up, call out behaviours, raise concerns and make complaints safely.

Given the extent of harm and lack of trust demonstrated through this review, the path forward begins with leaders understanding and acknowledging the experiences of unlawful conduct and harm shared in this report and the compounding impact of inadequate organisational responses. This has already begun with Ambulance Victoria's Chair and CEO voicing a clear commitment to and vision for change.

There is a need for safe, reflective forums for leaders to engage with the workforce to acknowledge and discuss the contents of this report. The Commission recommends Ambulance Victoria adopt an independent restorative engagement scheme to support organisational learning by providing a path for victim-survivors to share their stories, receive recognition and heal.

The Commission recommends that the experiences shared in this report inform the development of a comprehensive, evidence-based prevention plan. To support this process, the Commission has developed and recommended a leading practice outcomes framework for preventing unlawful and harmful workplace conduct and embedding workplace equality that will support Ambulance Victoria to track and monitor its progress. The outcomes framework provides a roadmap for reform and links all of the Commission's recommendations.

The Commission has recommended specific reforms that will support this prevention plan and help to tackle the drivers of unlawful conduct. These include: further encouraging bystanders to speak out and challenge poor behaviours; using Workplace Equality Contact Officers and Champions to identify risks and provide support to victim-survivors; and collaboratively resetting organisational values and ensuring that the workforce's health, safety and wellbeing, which enable and complement operational outcomes, are equally recognised and prioritised.

Creating an environment that is safe, supportive and respectful is the responsibility of everyone in Ambulance Victoria. While in the past, workplace equality has been seen primarily as the responsibility of the People and Culture division and Board committee, Ambulance Victoria should focus on integrating its response across the organisation, with overall accountability resting with the Board and Executive. To support implementation of the Commission's recommendations and drive reforms, the Commission has recommended the creation of a new, dedicated division, supported by a Steering Committee and overseen by Ambulance Victoria's Board.

Building a new reports and complaints system

The review provides detailed analysis and recommendations on how Ambulance Victoria responds to reports and complaints of discrimination, sexual harassment, bullying and victimisation. Chapter 7 provides a detailed analysis of Ambulance Victoria's current response to reports and complaints of unlawful conduct and the nature of these complaints. Chapter 8 outlines experiences of Ambulance Victoria's employees and first responders in making reports and complaints. Chapter 9 suggests a new victim-centred and fair reporting and complaints system.

In recent years, Ambulance Victoria has taken important steps to improve the report and complaints system, embed more victim-centred approaches and better use data to inform its response to addressing discrimination, sexual harassment, bullying and victimisation. The organisation has increased focus on wellbeing and support, and provided more open, regular and transparent communication.

Notwithstanding these important improvements, the Commission finds the need for substantial further reforms, including to more comprehensively address the issues and barriers to staff from feeling safe to come forward with reports and complaints. There is a need to better embed a victim-centred approach, promote multiple avenues to make a report, provide flexible options for responses and more consistent support for complainants.

Experiences of the report and complaint system

While the Commission found that there are a large number of people in Ambulance Victoria who have directly experienced or been a bystander to discrimination, sexual harassment, bullying and victimisation, few make formal complaints. Only around one in ten (9.6%) survey respondents who experienced sexual harassment made a formal complaint. For those who experienced discrimination and bullying, only 15.3% and 15.6% made a formal complaint, respectively.⁷

The low rate of formal reporting of unlawful conduct is limiting Ambulance Victoria's ability to identify and hold alleged perpetrators to account. It is also obscuring the scale and understanding of unlawful conduct across the organisation.

The few participants who told the Commission that they made a formal complaint overwhelmingly described that the experience did not make them feel safe. They also shared that they were often left without support and at times felt further traumatised by the process.

“ I will say that going through that process, it pretty much destroyed me. And I was just absolutely humiliated and crushed mentally.

Participant, Interview

Many participants told the Commission that reports and complaints take too long to resolve and that this negatively impacted their mental health and caused additional stress. A lack of clear communication throughout the process also compounded negative experiences and some participants told us that they felt confused and uncertain about what would be involved. We also heard about experiences of victimisation and retaliation after making a complaint.

I was doomed from the start; from that minute that I put that complaint in for the sexual harassment, I was gone. I was finished at AV. The job was no longer mine. *Participant, Interview*

The range of intersecting issues affecting participants' experiences appears to contribute to the profound dissatisfaction with the report and complaint process. More than three quarters of survey participants reported feeling not at all satisfied with the process of dealing with their formal complaint of discrimination (80.3%) and bullying (78.8%).⁸

Barriers to reporting

Importantly, most participants told us that they were aware of where and how to make a report or complaint of unlawful conduct. While this high level of awareness

of Ambulance Victoria's report and complaint system is positive, we found that poor experiences of making a report or complaint, in conjunction with multiple and intersecting barriers, mean that many participants did not feel safe to access that system.

The most common barrier to reporting was a fear that nothing would change or be done. Close to three quarters of the survey participants who experienced discrimination and bullying told us this was one of the reasons they did not come forward.⁹ The Commission was told a 'culture of silence' pervades the organisation, where it is commonly understood that coming forward or speaking up would result in social isolation or would be career limiting.¹⁰

Bystanders who witnessed or later heard about discrimination, sexual harassment, bullying and victimisation reported similar barriers that prevented them from coming forward.

I didn't tell anyone at the time about it because I just felt this must be how everyone in the organisation feels, this must be how everyone is in the organisation....I didn't think anyone would actually take me seriously. On top of that, the recruitment process for AV is so competitive, that I didn't want to – and it's such a small world, you don't want to do anything that will make you stand out in a negative way. *Participant, Interview*

Many of the barriers to reporting described by participants are also drivers of unlawful and harmful conduct – leading to a cycle of discrimination, sexual harassment, bullying and victimisation that is not being broken.

Building a fairer and more victim-centred approach to reports and complaints of unlawful conduct

The measures that Ambulance Victoria has put in place to improve its report and complaint system provide an important foundation for further improvements. However, the objectives of Ambulance Victoria's previous reforms have not been fully realised due to funding, capability and information technology limitations. The objectives of the report and complaint system are not being met in practice, and reforms are required to create a safe, fair and effective system staff will use.

The Commission recommends Ambulance Victoria develop a new model for responding to reports and complaints of discrimination, sexual harassment, bullying and victimisation that draws on leading practice. The new system should be developed and implemented with the guidance of an Expert Advisory Group consisting of key partners, workforce representatives, unions and subject matter experts.

The recommended model separates the key functions of the report and complaint system, including providing supports for victims, a dedicated impartial and fair complaint handling unit, as well as a specialist investigation unit.

Providing multiple avenues to make a report or complaint and a variety of flexible options for resolution is also key. Ambulance Victoria should establish and promote anonymous reporting options to help address power imbalances and barriers to reporting and provide a clearer picture and ability to respond to incidents that may otherwise not be reported.

Ambulance Victoria should enable a range of options to resolve reports and complaints. This would provide complainants with greater choice and control and address the current overreliance on formal processes, which may discourage staff from coming forward.

Rebuilding the trust and confidence of employees and first responders will take a range of measures and consistent, sustained effort. Being more open and transparent about the outcomes and performance of the report and complaints system is one crucial measure that will reinforce both acceptable standards of behaviour, as well as the message that perpetrators will be held to account.

Ambulance Victoria should collect and harness data and information to monitor and evaluate the report and complaint system – including to better understand risks and prevent discrimination, sexual harassment, bullying and victimisation.

Embedding equality

Through the second volume of this report, the Commission considers crucial and interrelated issues of equality across the employment lifecycle, including equal representation and progression, equal pay, workplace flexibility, and accessibility for people with disability and those transitioning to retirement. Addressing these issues is essential to achieving compliance with the Equal Opportunity Act and taking a wholistic approach to preventing discrimination, sexual harassment, bullying and victimisation and building a safe, respectful and inclusive workplace culture where everyone can thrive.

Ensuring equal representation and career advancement

Equal representation reduces workplace harm, including sexual harassment, discrimination, bullying and victimisation. Equal representation, career advancement and pay also improve workplace culture, morale and engagement, and enrich organisations with diverse perspectives and ideas. Notably for ambulance services, having a diverse workforce has been shown to improve service delivery and clinical outcomes.

Chapter 10 outlines why equal representation, advancement and pay matter, Ambulance Victoria's current approach to these issues and recommended reforms to strengthen equality in recruitment, career advancement and pay.

At a board level, Ambulance Victoria has fair gender representation in terms of its directors and members of its committees. However, as in many organisations, data on the Board's broader diversity is limited. There are opportunities for Ambulance Victoria to strengthen data collection to better understand the Board's demographic composition and to what extent it is modelling diversity and including perspectives and lived experiences of people from diverse backgrounds.

Ambulance Victoria has an opportunity to become an exemplar and work with the Department of Health to demonstrate how to recruit for, and value, greater board diversity across the health sector. The Commission recommends that Ambulance Victoria work with the department to develop an integrated board diversity and skills matrix, publicly report on board gender and diversity metrics and progress, including strategies to build a pipeline of diverse future leaders. Building on the success of gender targets, the Commission notes there is an opportunity for the Victorian Government to consider amending the *Ambulance Services Act 1986* (Vic) (**Ambulance Services Act**) and/or the *Public Administration Act 2004* (Vic)

(Public Administration Act) to require the Minister to have regard to broader diversity when making recommendations on board appointments.

The demographic composition of Ambulance Victoria's workforce is changing rapidly. Ambulance Victoria has almost equal representation of men and women in its overall workforce and there has been a 46% increase in women employed between 2016 and 2021. However, to achieve equal representation across all levels of the workforce, there is a need to increase the representation of women in middle and senior operational management roles and in specialist clinical roles, which continue to be male-dominated. Ambulance Victoria would also benefit from increased representation of people from diverse backgrounds at all levels of the organisation.

Ambulance Victoria has adopted targeted attraction and recruitment strategies to increase the representation of women, as well as people of diverse backgrounds, across its corporate and operational cohorts. Some of these measures have had a demonstrable impact in strengthening the inclusiveness of recruitment and selection processes and expanding the diversity of the workforce. However, the effectiveness of other measures is not yet clear.

Notwithstanding the measures Ambulance Victoria has put in place, attitudinal and structural barriers continue to impede equal access to employment and career advancement, particularly for women and people of diverse backgrounds. These barriers include the influence of gender stereotypes, the organisation's inflexible approach to flexible work and narrow approach to reasonable adjustments, and the impact of power imbalances throughout the organisation.

There is an opportunity for Ambulance Victoria to use the Commission's outcomes framework to drive an overarching, integrated vision of what is needed to deliver a fairer, more equal and inclusive organisation. The Commission recommends Ambulance Victoria take action to disrupt harmful stereotypes, prioritise conscious inclusion throughout the recruitment lifecycle and remove structural barriers to career advancement that disproportionately impact on women, parents and carers, and people from diverse backgrounds.

Progressing equal pay

Narrowing the gender pay gap and striving for equal pay is a critical step in embedding workplace equality. In 2021, Ambulance Victoria completed its first gender pay audit as required by the *Gender Equality Act 2020 (Vic)* (**Gender Equality Act**). This audit revealed that Ambulance Victoria has a gender pay gap of 10.8%. This is consistent with the Victorian public sector gender pay gap (10.7%).¹¹

While the data underlying Ambulance Victoria's 2021 gender pay audit was not available to the Commission during this review, several of the known drivers of gender pay inequality were raised more broadly during this review. These drivers include: the high rates of discrimination reported by women participants; the over-representation of men in more highly paid specialist clinical and operational management roles; and cultural attitudes and structural barriers related to flexible work which impede women's access to some progression and promotion opportunities.

Ambulance Victoria's forthcoming Gender Equality Action Plan provides an opportunity to build on existing strategies to reduce the gender pay gap (for example by seeking to increase the number of women in senior roles) and to

reform policy, decision-making and practice at each stage of the employment life-cycle. In addition, it is important for Ambulance Victoria to take steps to determine whether it has pay gaps for other demographics by improving the data on the demographic diversity of its workforce.

Transforming Ambulance Victoria’s approach to flexible work

Flexible work emerged as a key issue during the review, with 12.4% of the workforce, or 936 employees, on a formal flexible work arrangement as at 31 March 2021 and a further 706 employees on permanent or fixed-term, part-time arrangements.

Chapter 11 outlines the benefits of flexible work and the experiences of staff trying to access flexible work at Ambulance Victoria. Chapter 11 also recommends leading practice approaches for flexible work, which are particularly important for those with families, disabilities or transitioning to retirement, but ultimately of benefit to all staff seeking a safe and healthy work-life balance. For operational staff, the Commission heard that flexible work is still perceived as oppositional to Ambulance Victoria’s work in providing 24/7 emergency healthcare to Victorians. However, corporate staff reported significant gains in accessing flexible work, particularly over the course of the COVID-19 pandemic.

Currently, Ambulance Victoria’s approach to flexible work places a heavy emphasis on meeting compliance and operational needs over the needs of employees, and is focused on meeting the legislative requirements in the *Fair Work Act 2009* (Cth). Moving forward, the Commission urges Ambulance Victoria to transform its approach to flexibility and move beyond a narrow compliance focus by embedding flexibility across the organisation’s structure, processes and culture.

Ambulance Victoria has made some positive progress towards improving workplace flexibility through its partially implemented Think Flex First Framework and People-Based Rostering initiative. These initiatives provide the foundation for continued progress.

However, there remain significant structural barriers to accessing flexible work at Ambulance Victoria, particularly for operational staff. One barrier is the shift-weighting calculator which considers flexible work requests based on ensuring a fair distribution of shifts, including ‘unsociable’ shifts.

[G]etting a flexible work arrangement is this horrible, long, drawn-out process where you have to barter and manage, and the Team Manager has to manage the application process. It has to go to operational resourcing for review. It has to go to rosters to work out how to put it in place. It has to go back to resourcing. It has to go back to management for approval. So, as a result, flexible work agreements are really difficult. *Participant, Interview*

Operational staff told us about negative attitudes towards flexible work, and in some cases, not receiving any response to requests for flexible work arrangements. Ambulance Victoria lacks centrally collected data and monitoring of flexible work applications, approvals, and rejections. This prevents the organisation from determining whether it is complying with the law. It also prevents Ambulance Victoria from determining the nature and scale of the demand for, and barriers to, flexible work, and progress of its flexible work initiatives.

Further, staff told us that pervasive, negative attitudes towards flexible work are barriers to career progression for operational staff. This disproportionately impacts parents who require flexibility, most of whom are women.

Managers also lack adequate guidance, capacity, knowledge and in some cases, autonomy, to enable and support increased flexibility for operational staff. The People and Culture Division lack the time, resources and capacity to provide advice and guidance to managers and employees to facilitate constructive flexible work negotiations.

The Commission therefore recommends that Ambulance Victoria remove existing structural barriers and embed flexibility into its workplace planning and organisational culture. Removing structural barriers and developing tailored alternative solutions will require Ambulance Victoria to reconsider the use of the shift-weighting calculator in determining flexible work applications so that individual needs and other relevant factors are given equal consideration to fair distribution of shifts. It must also work with unions and professional associations to evaluate the impacts (positive and negative) of Ambulance Victoria's rolled-in rate of pay and explore creative and tailored ways to maintain the benefits for the workforce, while still increasing flexibility, for example through diversifying roster design and shift length and empowering managers to work with their teams to develop and trial local solutions. Ambulance Victoria should also leverage its existing flexible work initiatives and fully implement its Think Flex First Framework and People Based Rostering initiative. The Commission recommends Ambulance Victoria monitor its legal compliance and improvement with regard to flexible work practices, and build the knowledge, capability and accountability of its managers and employees.

Strengthening accessibility

Despite a third (33.3%) of the people who responded to our survey indicating that they had one or more conditions that could qualify as a disability, Ambulance Victoria does not have a dedicated policy regarding reasonable adjustments. The absence of a specific policy, dedicated processes or data capture regarding reasonable adjustments significantly limits Ambulance Victoria's ability to recruit, retain and support employees with a disability. Not only is this out of step with contemporary practice, it perpetuates rigid and narrow perceptions of an 'ideal worker' at Ambulance Victoria. The absence of a holistic approach to reasonable adjustments also prevents the organisation from determining whether it is fully complying with the Equal Opportunity Act.

Employees with disability reported comparatively low feelings of safety, and that Ambulance Victoria's culture does not support reasonable adjustments, with a prevalent assumption that reasonable adjustments are inconsistent with the nature of emergency services work.

We heard from staff that the Fitness for Duty process, used to assess a flexible work request on the basis of a disability, is preventing some eligible staff from seeking to access flexible work due to a fear of being stigmatised and losing job security. This poses a significant risk to the organisation's employees and the Victorian community, as injured employees may feel compelled to remain silent and work in unsafe circumstances. The Fitness for Duty process emphasises the full inherent requirements of a role, rather than enabling design of roles that an employee with a disability can perform.

To achieve the full benefits of an overarching reasonable adjustments policy that applies to potential and existing staff, Ambulance Victoria managers require more knowledge and support to fulfil Ambulance Victoria's aspiration to build a more diverse and inclusive workplace for employees with disability.

Supporting transition to retirement

Over the next 15 years, 28.9% of Ambulance Victoria's workforce will be of potential retirement age. Ambulance Victoria needs to anticipate and plan for staff to transition to retirement in ways that respect and benefit the needs of both staff and the organisation. This includes providing suitable work options that maximise the contribution of workers as they transition towards retirement, while supporting their health and wellbeing.

The Commission heard from older employees about experiences of age discrimination including being pressured to retire, being subject to unfair assumptions about their competence, and being overlooked for career development. This resulted in older employees feeling harmed, devalued and disengaged.

They are so hurt, the older people, that they're just hanging out to tick off their 30 years, so they max out their super. They have been so burnt and hurt by the Ambulance Service that they can't wait to finish ... They're not looked after, there's no care. *Participant, Interview*

Currently, Ambulance Victoria does not have a transition to retirement strategy, and has limited guidance, options, planning and arrangements for employees transitioning to retirement. In order for the organisation to benefit from the institutional knowledge and experience of its older workforce, and to ensure they feel valued, Ambulance Victoria should develop a more structured and respectful approach to transition to retirement.

Uplifting organisational capability

Organisational capability is essential if Ambulance Victoria is to prevent unlawful and harmful conduct, advance workplace equality and deliver on the recommendations of this review. Chapter 12 outlines why organisational capability matters, particularly in the context of progressing cultural change. It also explores current Ambulance Victoria approaches to organisational capability and their limitations, and provides recommendations to strengthen capability programs and initiatives to create and sustain a more equal workplace.

Organisational capability requires Ambulance Victoria to equip the organisation – its systems of work, policies and procedures and the knowledge and competencies of its workforce – to work in harmony towards the objectives set out in this review.

Areas for development

There are several areas where Ambulance Victoria's organisational capability to ensure workplace equality is underdeveloped or could be improved.

While survey responses indicate that participants have an awareness and basic understanding of their rights and obligations under the Equal Opportunity Act,

there was less knowledge of important related concepts like substantive equality and indirect discrimination. Some leaders and managers were identified as lacking the knowledge and skills to effectively prevent harm, including limited capability to call out and address unlawful conduct, engage in difficult conversations and respond sensitively to reports and complaints.

Levels of knowledge regarding Ambulance Victoria's obligations to provide flexible work and reasonable adjustments for employees with disability were mixed, with lower levels of knowledge amongst operational staff. There is a need to improve the capability of leaders and managers to better support and respond to related requests and to embed workplace flexibility as a key tenant of workplace equality.

The Commission identified that despite some positive recent efforts to develop leaders and managers, there is a pattern of some leaders and managers lacking key capabilities that are critical for workplace equality. This is consistent with a pattern of people being promoted based on technical, rather than leadership and people management, skills. Many managers were identified as having limited interpersonal and conflict resolution skills and failing to model respectful behaviour in the workplace. Concurrently, behavioural expectations for managers have not been effectively reinforced or assessed via key performance criteria or regular performance appraisal. This limited accountability and poor role modelling are fundamentally undermining workplace equality at Ambulance Victoria.

Several factors are hindering Ambulance Victoria's efforts to develop strong organisational capability. Ambulance Victoria's current workplace equality training does not reflect leading practice and is too narrow to effectively disrupt the extent of unlawful and harmful conduct occurring. The training should ensure leaders understand their role and responsibilities under the Equal Opportunity Act and develop necessary skills to fulfil that role.

So, rolling out the bullying and harassment course ... every so many years doesn't cut the mustard. It's not dealing with the root cause of what the issues are. *Participant, Interview*

Leadership development appears to have historically been given a low priority within Ambulance Victoria, evidenced by the many managers who were identified by participants as having not received any formal leadership training or development.

I'm a manager and I've never had any management training [in Ambulance Victoria] whatsoever and I look after a lot of staff *Participant, Interview*

Ambulance Victoria's reliance on temporary, acting arrangements to fill management positions is also limiting strong, consistent leadership and management capability across the organisation. The Commission heard that acting managers are insufficiently trained and often reluctant to act courageously to advance workplace equality because of the insecurity of their positions. The use of acting management arrangements creates inconsistent reporting lines and hinders employees building the trusted relationships that are essential to a safe reporting environment.

In addition, several operational barriers are preventing leaders and managers from maintaining regular, quality engagement with employees and first responders. This includes the limited proximity of operational managers to staff, intense workloads and limited time.

Strengthening and realising organisational capability

To address current capability gaps, the Commission recommends Ambulance Victoria implement a targeted education program for leaders and managers that develops their knowledge and skills to comply with the Equal Opportunity Act. This should be followed by a leading-practice training for all employees and first responders that aims to improve their knowledge of rights and responsibilities under the Act and supports them to understand how they can individually and collectively contribute to building workplace equality.

It will be important to prioritise and sustain this focus on building organisational capability, including through opportunities for leaders and managers to develop and practice their knowledge and skills, including in diverse settings. It will also require leaders to be held to account for their behaviours with skills and behaviours being reinforced and continually assessed, including through the use of performance development plans with standardised KPIs for workplace equality.

Ambulance Victoria should ensure its operating model enables leaders and managers to prioritise workplace equality in practice. This will require Ambulance Victoria to work closely with the Department of Health to explore opportunities to enable managers and leaders to maintain regular contact and engagement with individual employees and first responders within their teams.

Strengthening oversight, accountability and continuous improvement

Chapter 13, the final chapter of the review, explores oversight, accountability and continuous improvement at Ambulance Victoria to achieve compliance with the Equal Opportunity Act and adopt leading practice. It draws on and seeks to reinforce the critical findings and recommendations throughout the report, and further explores Ambulance Victoria's governance model, including its effectiveness and limitations, and makes recommendations on how to strengthen governance and oversight.

The Commission found that in general, Ambulance Victoria has a professional, modern and functioning governance system led by the Board, working together with the Executive Committee. The Board seeks to comply with an increasing body of regulation and guidance for public sector boards. There was evidence of sophisticated practice, for example, in Ambulance Victoria's risk system.

The Board has members with deep expertise and experience who have worked together effectively. There is evidence of a strong, robust working relationship between the Chair and the CEO, and a generally constructive relationship between the Board and the Executive Committee. The Executive Committee, with an established CEO, and a mix of new and established leaders brings both longstanding experience in Ambulance Victoria and Paramedicine, as well as executive experience in other organisations.

The Commission noted this governance system – led by the Board, supported by the Executive Committee – has enabled Ambulance Victoria to deliver substantial reforms since 2015, including reforms involving cultural change and focused on some aspects of the safety and wellbeing of Ambulance Victoria’s people. This is promising as the organisation turns its focus to implementation of this review’s recommendations.

However, despite the significant strategies, plans and policies in place relating to aspects of workplace safety and equality, as well as previous audits and reviews and the data available, the Board and the Executive Committee ultimately did not fully anticipate, recognise, analyse, prioritise or systemically address the substantial and unacceptable unlawful and harmful workplace conduct identified by the Commission in this independent review.

I was aware of the historical [allegations] But until that point, [I] assumed they were [not] contemporary ... [I] was really quite surprised. Well, actually, more than surprised, I was blindsided and deeply distressed, I’ve got to say, by it. Because it’s not the organisation that I thought we had.

Participant, Interview

In particular, Ambulance Victoria had limited understanding of root causes and drivers of these harms, and did not develop an integrated approach to prevention and monitoring of outcomes for employees and first responders. Nor did the Board and its various committees effectively harness established risk management or occupational health and safety systems to recognise and address unlawful and harmful conduct.

The challenges identified in this review are shared by many other organisations as exposed in the #MeToo era, including leadership team dynamics and biases and the inherent difficulties of long-term cultural change. Contributing factors to the failure to fully recognise and address sexual harassment, discrimination, bullying, victimisation and pervasive incivility at Ambulance Victoria include the:

- overreliance on, and limited analysis of, the available data and information
- substantial and ongoing program of reforms, dating from 2015, coupled with increasing demands, including through the pandemic
- organisation’s primary focus on operational outcomes.

The testimony captured in this report reveals a significant gap between Ambulance Victoria’s espoused values and priorities and the lived experience of many employees and first responders, eroding trust and confidence in the organisation’s leadership.

To strengthen oversight, accountability and continuous improvement, the Commission recommends Ambulance Victoria adopt integrated approaches to the review’s recommendations, guided by the recommended prevention plan and suggested leading practice outcomes framework, and a philosophy of ‘radical transparency’ including to:

- more clearly and consistently embed a commitment to, and shared responsibility for, workplace equality and safety in key corporate governance documents and its risk management and health and safety systems

- ensure reflective practices within the Board and Executive team, but also through a structured cross-organisation program to reflect on the findings of this review, including the key drivers of harm, to support long term organisational healing and culture change
- develop a holistic and evidence-based information and data plan and communications strategy.

Ultimately, Ambulance Victoria's sound governance systems, developing leadership capability, and commitment to change, bode well for implementation of the recommendations of this review.

Looking forward

“ All of us just want to see changes that make it a better more inclusive, fair and respectful place to work.

Participant, Written submission.

The catalyst for this review was the courageous, public reports by Ambulance Victoria paramedics who felt they had no option but to go to the media with experiences of sexual harassment, assault, discrimination and victimisation. The leaders of Ambulance Victoria are to be commended for responding swiftly – commissioning and fully supporting this independent, public review and committing to implement all of its recommendations. At the launch of Volume I of this report in November 2021, Ambulance Victoria's Chair made a full apology on behalf of the organisation. Subsequently, the Chief Executive Officer also made an unreserved apology to staff, and the organisation has already begun to action the report's recommendations.

The findings of this review confirm the picture painted in the media reports of October 2020 and vindicate the commitment of Ambulance Victoria's leaders to significant and transparent change to enable Ambulance Victoria to be a safe and equal workplace that provides exceptional emergency healthcare to the Victorian community.

The process of conducting this independent review – including the conversations that it has prioritised and brought into focus and the substantial volume of data and experiences that have been shared - mean Ambulance Victoria now has a far deeper and more comprehensive picture of the drivers and state of workplace equality across its organisation.

These conversations and exploration will continue as Ambulance Victoria reflects on the findings and outcomes of the review, develops its first integrated prevention plan squarely measured against a new outcomes framework, and works to implement the review's 43 recommendations.

Ambulance Victoria has always grown and adapted to provide Victorians with the care they need. It has the capability and commitment at every level to make transformative change. Overall accountability for Ambulance Victoria's performance rests with its Board supported by the Executive. However, it will require a sustained, accountable effort by all employees and first responders, supported by critical partners like unions, professional associations and the Department of Health to rebuild trust and a respectful culture which means Ambulance Victoria is truly a great place to work for everybody.

The Commission will continue to support Ambulance Victoria on its journey to be a safer, more equal and respectful workplace. Spurred by current social movements and courageous whistle-blowers, many organisations and institutions are undergoing a similar reckoning. Continuing to work together and openly share leading practice will be critical to enable the long-term, systemic and cultural shifts needed for Ambulance Victoria to fully achieve the requirements and intent of the Equal Opportunity Act.

Recommendation 1

Learning through reflective practice

- (a) Ambulance Victoria's Chief Executive Officer should, as soon as practicable following the publication of Volume I of this final report:
 - (i) arrange for the Executive Committee to participate in a reflective practice workshop on the learnings from the *Independent review into workplace equality in Ambulance Victoria*, led by an independent and suitably skilled facilitator
 - (ii) together with the Executive Committee, develop and implement a plan to support all senior leaders and managers to engage in reflective practice discussions with their respective teams
- (b) Ambulance Victoria should embed reflective practice into its forthcoming program of work to implement the recommendations in this final report.

Recommendation 2

Bearing witness, learning through listening, and acknowledging through restorative justice

Ambulance Victoria should:

- (a) as soon as practicable following the publication of Volume I of this final report and subject to the provision of appropriate, dedicated funding, establish an independent restorative engagement scheme for current and former employees and first responders who have experienced past discrimination, sexual harassment, bullying and victimisation at Ambulance Victoria, to be administered by an appropriate external provider and operate for 18 months from when it commences
- (b) co-design the scheme with representatives of the scheme administrator, current and former members of the workforce, the various unions and professional associations and the Department of Health, applying the principles of restorative justice and victim-centred approaches to responding to unlawful and harmful workplace conduct and aligned with leading practice and lessons learned from restorative approaches within emergency services and other contexts
- (c) select members of the Executive Committee and other senior leaders to participate in the scheme and facilitate training for them in how to apply the principles of restorative justice and victim-centred approaches
- (d) together with the various unions and professional associations, promote the scheme widely to current and former employees and first responders
- (e) report regularly to the workforce on the de-identified outcomes of the scheme.

Recommendation 3

A holistic, evidence-based prevention plan

Ambulance Victoria should develop a comprehensive prevention plan targeting discrimination, sexual harassment, bullying, victimisation and other harmful workplace conduct, like incivility, within six months of the publication of Volume II of the final report. At a minimum, the plan should:

- (a) address the specific drivers and risk factors identified in this report
- (b) be informed by early and ongoing consultation with the workforce, the relevant unions and professional associations and the Department of Health
- (c) integrate and/or align prevention measures with any existing or new diversity and inclusion strategies, including the organisation's forthcoming Gender Equality Action Plan for the *Gender Equality Act 2020* (Vic)
- (d) include key accountabilities for leaders and managers and require ongoing monitoring and evaluation and continuous improvement efforts, to be led by the new dedicated division responsible for leading implementation of the Commission's recommendations (see Recommendation 11).

Recommendation 4

Communicating regularly and proactively about prevention

Ambulance Victoria should develop a schedule of opportunities to regularly and proactively:

- (a) reiterate its commitment to building and maintaining a safe working environment, free from discrimination, sexual harassment, bullying and victimisation
- (b) reiterate that discrimination, sexual harassment, bullying and victimisation are unlawful under the *Equal Opportunity Act 2010* (Vic) and related laws and contrary to the organisation's values and expected standards of conduct
- (c) improve awareness and understanding of its comprehensive prevention plan, as well as the available reporting, complaint and support pathways for employees and first responders.

Recommendation 5

The critical role of unions and professional associations in prevention

- (a) Ambulance Victoria should work together with Ambulance Employees Australia Victoria, Professionals Australia, the Victorian Ambulance Union Incorporated and other relevant unions and professional associations to enable them to inform their respective members of the organisation's response to the key findings and recommendations in this final report
- (b) Ambulance Employees Australia Victoria, Professionals Australia, the Victorian Ambulance Union Incorporated and other relevant unions and professional associations should:
 - (i) seek regular opportunities to reiterate their commitment to workplace equality, including through their continued support of the Independent review into workplace equality in Ambulance Victoria
 - (ii) ensure their staff receive regular training on the *Equal Opportunity Act 2010 (Vic)* and related laws, so that they can best advise their respective members on their rights and responsibilities
 - (iii) seek regular opportunities to inform their respective members about where they can access information and support about their rights and responsibilities under the *Equal Opportunity Act 2010 (Vic)* and related laws.

Recommendation 6

Protecting safety in isolated environments

Ambulance Victoria should, as soon as practicable, undertake a security audit of all isolated work environments within the organisation, with a view to identifying any necessary security measures (for example, locks, duress alarms), during which it should consult with other industry leaders who similarly oversee workers in unsupervised and isolated environments.

Recommendation 7

Resetting and embedding organisational values

Ambulance Victoria should:

- (a) adopt a new set of organisational values to guide and prioritise appropriate behaviour in a modern, professional and inclusive ambulance service
- (b) co-design its new organisational values with representatives of the organisation's workforce, with input from key partners, including the relevant unions and professional associations, the Department of Health and service users
- (c) publish a draft of its proposed new organisational values, invite internal and external feedback on the adequacy of those values and actively consider any feedback provided
- (d) develop a comprehensive plan to communicate and embed the new values across the employment lifecycle, from recruiting individuals who can show they are aligned with the organisation's values through to making adherence with the organisational values a relevant consideration in decisions related to termination
- (e) ensure accountability for demonstrating values-driven behaviour, including at a minimum through mandated performance metrics in individual performance development plans.

Recommendation 8

Encouraging a 'speak-up' culture

Ambulance Victoria should:

- (a) detail in its comprehensive prevention plan, to be developed pursuant to Recommendation 3:
 - (i) the critical role of each member of the workforce in taking action if they are a bystander to workplace discrimination, sexual harassment, bullying or victimisation
 - (ii) information about how bystanders can raise concerns or make informal reports or complaints about such conduct and practical examples of the actions they might take
 - (iii) the supports available to bystanders who do take action
- (b) embed the Upstander program as part of its regular training program and ensure a minimum completion rate of 75% of the workforce within two years of the publication of Volume II of this final report
- (c) ensure that the revised complaint policy (see Recommendation 16) recognises the important role of bystanders and aligns the information included with its comprehensive prevention plan.

Recommendation 9

Reintroducing Contact Officers and establishing a Local Champions Network

Ambulance Victoria should:

- (a) reintroduce Workplace Equality Contact Officers, embedded in each region and, in doing so:
 - (i) develop new, standard Position Descriptions detailing their role and invite expressions of interest from operational and corporate staff, encouraging people of diverse backgrounds to apply
 - (ii) support the selected Contact Officers to access regular, quality training and resources on the *Equal Opportunity Act 2010 (Vic)* and related laws and participate in communities of practice and other forums to keep abreast of changes in the law and emerging leading practice
 - (iii) establish an internal network of Contact Officers that meets regularly
 - (iv) actively and regularly promote the names and contact information of Contact Officers to the workforce and ensure this information is updated regularly
- (b) implement a Champions of Change model to drive the reforms needed in the organisation to foster and maintain a culture of safety and equality in the workplace.

Recommendation 10

Valuing those who care

- (a) The Ambulance Victoria Board and the Minister for Ambulance Services should ensure that future statements of priorities are informed by an annual discussion on how to appropriately balance the importance of Ambulance Victoria meeting operational KPIs with the health, safety and wellbeing of the organisation's workforce and the need to create a positive workplace culture, building on the 2019-20 and 2020-21 agreements.
- (b) Ambulance Victoria should ensure that it affords appropriate weight to priorities designed to ensure the health, safety and wellbeing of the organisation's workforce, in addition to those related to operational KPIs.

Recommendation 11

Establishing a dedicated division to drive reform

Ambulance Victoria should, within three months of the publication of Volume II of the final report, establish a centralised, dedicated division that:

- (a) drives and coordinates implementation of the Commission's recommendations
- (b) reports to an Executive Director and is directly accountable to the Chief Executive Officer
- (c) is comprised of subject matter experts with skills and expertise in equal opportunity issues (including discrimination, sexual harassment, bullying and victimisation) as well as diversity and inclusion strategies, employee engagement and large-scale organisational change and project management.

Recommendation 12

Supporting robust governance and oversight of reforms

Ambulance Victoria should, within three months of the publication of Volume II of the final report, establish a Steering Committee that:

- (a) monitors and oversees the implementation of the Commission's recommendations and organisational reforms as a whole
- (b) consists of a range of internal and external representatives from the Executive Committee, the workforce, unions and professional associations, the Department of Health and subject matter experts.

Recommendation 13

A victim-centred and fair report and complaint system

Ambulance Victoria should establish a new organisational response to reports and complaints of unlawful and harmful conduct that consists of:

- (a) a Workplace Harm Unit that –
 - (i) provides the first point of contact for reports and complaints of unlawful and harmful conduct to be made
 - (ii) provides impartial, confidential, timely information and advice about the report and complaint system, including about complaint pathways, processes and procedures

- (iii) assesses and triages reports and complaints, taking necessary steps to ensure the safety and wellbeing of those involved, including through formal referral mechanisms to appropriate internal or external providers and agencies and escalating more serious matters for formal action as necessary
 - (iv) facilitates informal resolutions using flexible dispute resolution and restorative practices
 - (v) ensures that all relevant report and complaint policies, procedures, information and communication available to staff are up-to-date
 - (vi) collects and analyses data to identify trends and emerging risks that are assessed and compared with available data from the health sector and shared with the Chief Executive Officer, the Executive Committee and the Board on a quarterly basis, together with any actions implemented to respond to trends of concern
 - (vii) is an advocate for leading practice complaint handling and standards within Ambulance Victoria
- (b) a Specialist Support Unit to provide advocacy and direct support for those who have experienced unlawful and harmful conduct
 - (c) an Investigations Unit that consists of specialist investigators and is responsible for the investigation of complaints.

The new organisational response should be developed in consultation with the workforce, and with relevant unions and professional associations.

Recommendation 14

Enhancing perceptions of independence and supporting capability for the new organisational response to reports and complaints of unlawful conduct

In establishing the new organisational model to respond to reports and complaints of unlawful conduct, Ambulance Victoria should:

- (a) develop position descriptions for key roles within the new organisational model that reflect the key attributes, skills and expertise necessary for staff in complaint handling roles
- (b) ensure that the staff appointed have a range of skills and experiences – such as professional experts in human resources, equal opportunity issues, bullying, discrimination, dispute resolution and restorative approaches, as well as data analytics and investigations expertise – and are a blend of internally and externally appointed staff
- (c) ensure sufficient resourcing is available to meet demand and established service standards (see Recommendation 20)
- (d) create a distinct reporting structure outside existing operational divisions that reports directly to the Chief Operations Officer.

Recommendation 15

Supporting staff to confidently report through anonymous pathways

Ambulance Victoria should introduce internal and external anonymous reporting pathways and communicate and promote these avenues to staff within three months of the publication of Volume I of the final report.

Recommendation 16

Embedding a victim-centred approach to processes and procedures

Ambulance Victoria should amend and consolidate its complaint handling policies and procedures into a single policy that, at a minimum, covers:

- (a) a comprehensive list of how, where and to whom a complaint can be made, including the available internal and external reporting options
- (b) information about the availability and role of support services
- (c) the multiple options available to resolve a report or complaint, from informal resolutions through to formal reports and complaints
- (d) how a complaint will be managed, the steps involved, the roles and responsibilities of key staff and service standards that clearly set out what to expect
- (e) the range of outcomes that may be achieved
- (f) guidance about when a complaint will be immediately escalated to a formal complaint process or referred to an external agency, such as Victoria Police
- (g) guidance on when internal and external investigators may be appropriate, including for complaints about senior staff members
- (h) how information will be recorded or taken and the confidentiality safeguards in place
- (i) information about victimisation, including a clear statement that it is unlawful
- (j) how the performance of the report and complaint system will be monitored.

Recommendation 17

Supporting choice and control and addressing harm at the earliest opportunity

Ambulance Victoria should:

- (a) develop options to support people to resolve reports of unlawful and harmful conduct informally
- (b) document in its complaint policies and procedures guidance for complainants and managers on when an informal resolution is safe and appropriate.

Recommendation 18

Developing resources to support accessibility of the report and complaint system

Ambulance Victoria should:

- (a) develop information guides and fact sheets that clearly outline:
 - (i) the internal and external pathways to make a complaint
 - (ii) the support services available to all those involved in report and complaint processes, including complainants, respondents and witnesses
 - (iii) what complainants, respondents and witnesses involved in a complaint process should expect, such as timeframes, what information they will receive, expected standards of service and how their information will be handled
 - (iv) the outcomes available through a report or complaint process
- (b) ensure that the information guides and fact sheets are available across workplaces, including electronically and as physical hard copies, and updated annually.

Recommendation 19

Supporting transparency and developing learning tools

Ambulance Victoria should:

- (a) regularly create and publish de-identified case studies of the outcomes of reports and complaints, to create better understanding among the workforce of the steps it takes to address unlawful and harmful workplace conduct and as learning tools to educate all employees and first responders on acceptable standards of behaviour

- (b) regularly publish information about the performance and complaint system against the benchmarks recommended (see Recommendation 20) to the workforce and public.

Recommendation 20

Understanding how the report and complaint system is working

Ambulance Victoria should establish agreed benchmarks to measure the performance of its report and complaint system that include:

- (a) timelines for key steps and actions in the report and complaint process, including:
 - (i) acknowledgment of receipt
 - (ii) resolution of 'simple' reports or complaints
 - (iii) resolution of urgent or priority reports or complaints
 - (iv) trigger points for notification of delays
- (b) satisfaction of the report and complaint process and outcomes for those involved (including complainants, respondents and witnesses)
- (c) quality measurements, such as the ease of using the report and complaint system, the fairness of the process and the clarity of communication.

In establishing these benchmarks, Ambulance Victoria should, with the assistance of the Department of Health, seek to consult with and, where possible, agree on common benchmarks to measure performance throughout the health sector.

Recommendation 21

Learning lessons and improving service delivery at the earliest opportunity

Ambulance Victoria should:

- (a) develop standard processes for seeking feedback from all parties involved in a complaint, with a view to identifying and intervening against any victimisation and informing practice and service improvements
- (b) provide guidance to those who manage and handle complaints on the factors that should inform analysis of organisational and systemic issues
- (c) ensure that staff members with complaint handling and management responsibilities hold relevant skills, training and expertise to undertake root cause analysis of organisational and systemic issues.

Recommendation 22

Creating and maintaining records and data to improve analytical capability

Ambulance Victoria should ensure that:

- (a) its policies and procedures clearly require the creation and appropriate maintenance of records of all incidents, complaints, responses and decisions related to unlawful and harmful conduct, including those reported informally
- (b) the Workplace Harm Unit, the Specialist Support Unit, and the Investigations Unit are equipped with a single, centralised and secure information technology system that adheres to best practice information management requirements.

Recommendation 23

Supporting the effective delivery of reporting and complaint reforms

Ambulance Victoria should establish an Expert Advisory Group to:

- (a) provide advice and support on the implementation of reforms to its report and complaint system, including key developments such as establishing self-resolution and informal reporting processes
- (b) support the development of revised procedures and processes to ensure their continued alignment with leading practice
- (c) be comprised of subject matter experts in complaint handling, unlawful conduct and/or restorative practices, as well as nominated representatives from relevant unions and the workforce.

Recommendation 24

Enhancing accountability of the report and complaint system

Ambulance Victoria should revise the Terms of Reference of the Professional Conduct Committee to:

- (a) ensure a unified approach to data collection and analysis of the handling of reports and complaints
- (b) regularly review reports and complaints data to identify patterns, trends, systemic issues and measures to continuously improve efforts to prevent and respond to unlawful conduct

- (c) monitor the performance of the report and complaint system against a range of benchmarks, including timeliness, quality and satisfaction.

Recommendation 25

Increasing diversity on the Ambulance Victoria Board

- (a) The Ambulance Victoria Board and the Victorian Department of Health should expand and align the demographic data they collect about incoming directors and work together to develop and maintain an integrated diversity and skills matrix for the Ambulance Victoria Board. At a minimum, the matrix should include information about Aboriginality, age, disability, ethnicity, gender identity, race, religion and sexual orientation (in addition to director skills), with options for directors 'not to disclose'.
- (b) Ambulance Victoria should work closely with the Victorian Government to explore amending section 17(3) of the *Ambulance Services Act 1986* (Vic) to require the Minister to have regard to diversity when recommending appointments to the Ambulance Victoria Board.
- (c) The Ambulance Victoria Board should proactively assess and promote its demographic diversity as part of existing annual Board evaluations, informed by the integrated diversity and skills matrix.
- (d) Ambulance Victoria should include a dedicated section in its annual report detailing the aggregate gender and diversity composition of the organisation's Board and how the Board and the organisation have promoted and prioritised workplace equality.

Recommendation 26

Disrupting harmful stereotypes

As part of its efforts to reset and embed organisational values, as required by Recommendation 7, and ongoing efforts to embed workplace equality, Ambulance Victoria should seek to proactively disrupt harmful stereotypical views and:

- (a) build a new organisational vision concerning the expertise, capabilities and personal attributes that are needed to succeed in any role and at any level of the organisation
- (b) send a clear message about the value it attaches to all cohorts and roles within the organisation.

Recommendation 27

Prioritising conscious inclusion throughout the recruitment lifecycle

Ambulance Victoria should:

- (a) embed conscious inclusion initiatives at each stage of the recruitment lifecycle, to help attract candidates from diverse backgrounds and offer them support during the recruitment process
- (b) encourage the greater use of external advertising and (external) lateral recruitment to diversify its workforce and future leadership talent pool
- (c) set clear and progressive targets within its forthcoming Gender Equality Action Plan to increase the representation of women in operational leadership roles at the middle, senior and executive management levels and among MICA Paramedics and MICA Paramedic Educators.

Recommendation 28

Removing structural barriers to career advancement

Ambulance Victoria should:

- (a) consider opportunities to actively promote and support the ability for paramedics to complete the MICA program while working flexibly
- (b) as soon as practicable, remove all remaining requirements for managerial endorsement across career advancement opportunities, including from its Recognition and Development Process
- (c) amend its Recognition and Development Process to remove sick leave patterns as a consideration and include exemptions to the '12-month rule' for employees who have been on parental leave or working flexibly during the prior 12 months and enable alternative assessment.

Recommendation 29

Advancing equal pay

Ambulance Victoria should consider the following actions when developing its Gender Equality Action Plan under the *Gender Equality Act 2020 (Vic)*:

- (a) develop an equal pay policy and seek to include an equal pay clause in future enterprise agreements
- (b) introduce targets to reduce the gender pay gap and report against these targets annually

- (c) allocate sufficient resources to rectify pay gaps identified through pay gap analyses
- (d) support managers and hold them accountable for achieving equal pay including, at a minimum, through incorporating the issue of equal pay into broader training and resources for managers and requiring managers to demonstrate as part of their annual performance appraisals how they have sought to ensure pay equality
- (e) establish processes to raise concerns or make unequal pay complaints
- (f) target the underlying drivers of unequal pay at Ambulance Victoria including by expediting more inclusive recruitment and promotion practices as set out in these recommendations
- (g) expand workforce demographic data collection and monitoring to identify any other pay gaps.

Recommendation 30

Removing structural barriers and embedding flexibility into immediate and long-term workforce planning and the employment lifecycle

Ambulance Victoria should:

- (a) together with Ambulance Employees Australia Victoria, Professionals Australia and the Victorian Ambulance Union Incorporated, evaluate the impacts (positive and negative) of the rolled-in rate, including the degree to which all impacts are experienced equally by all staff, and the impact of the rolled-in rate on implementing new approaches to enhance workplace flexibility
- (b) reconsider the use of the shift-weighting calculator in determining flexible work applications so that individual needs and other relevant factors are given equal consideration to fair distribution of shifts
- (c) embed workplace flexibility into the future design of all shifts and rosters by:
 - (i) assuming that a significant percentage of the workforce will require flexibility (to be drawn from consultation with staff and unions about current and future needs) and that this will increase incrementally
 - (ii) establishing a community of practice across the health sector to learn of innovative local approaches to shift and roster design
 - (iii) diversifying roster design and shift length to ensure demand for emergency healthcare continues to be met, while enabling workforce participation by employees who require the most flexibility, rather than only employees who require limited or no flexibility
 - (iv) exploring options to give managers more input into roster design to ensure flexible work and local solutions are implemented

- (d) consider flexibility as a default position when designing all roles and actively increase the cohort of part-time workers to attract a more diverse workforce, formally allowing for transition to future, full-time work, and ensuring equal access to professional development and career advancement opportunities.

Recommendation 31

Implementing and tailoring the Think Flex First Framework

Ambulance Victoria should:

- (a) review, update and fully implement its Think Flex First Framework, including updating all relevant policies, procedures, systems, guidance material and training to ensure flexibility becomes embedded in the culture of the organisation
- (b) enhance the role of those working in the People and Culture division in the process and procedure for applying for a flexible working agreement by including them as subject matter experts in discussions between managers and employees (at the request of either party) to support more creative and viable flexibility options and review all refusals to ensure legal compliance
- (c) adopt the VPS 'all roles flex' approach for corporate staff and include this approach in its forthcoming Gender Equality Action Plan as part of its compliance with the *Gender Equality Act 2020* (Vic). Adopting an 'all roles flex' approach includes reviewing and amending flexible working arrangement processes and procedures for those staff so they:
 - (i) encourage informal flexibility and distinguish it from a formal flexible working agreement
 - (ii) provide practical guidance on how to use existing and new technology to collaborate and communicate virtually
 - (iii) centre flexibility discussions around workers' productivity, impact and outputs, instead of when and where work is conducted
- (d) continue to identify options to increase flexibility for all staff members by supporting teams (in both operational and corporate settings) to trial localised strategies, test them with simple evaluation tools and share successes, particularly during enterprise bargaining
- (e) ensure the new centralised, dedicated division established to drive and coordinate implementation of the Commission's recommendations (see Recommendation 11) has the resourcing and capability to support and monitor the implementation of Recommendation 31(a) – (d), including reporting to the Executive and Board
- (f) as a priority, seek from the Victorian Government the funding required to support the implementation of greater workplace flexibility across the organisation, including funding for necessary staff in core teams (including People and Culture and the new Division), followed by funding for other necessary resources required to accommodate a more flexible workforce.

Recommendation 32

Monitoring the legal compliance and continual improvement of flexible work practices

- (a) The Ambulance Victoria Board should receive quarterly reporting of de-identified flexible work data as a key metric and ultimately be responsible for ensuring compliance with the law and continual improvement. At a minimum, reporting should:
 - (i) refer to the quantity and basis for applications, approvals and refusals
 - (ii) be analysed in conjunction with other data to accurately assess the ongoing impact of workplace flexibility on key indicators, including (but not limited to) service delivery, staff recruitment, turnover and retention, promotion and progression, and staff health, safety and wellbeing
 - (iii) inform continuous improvement workforce planning (see Recommendation 33).
- (b) Ambulance Victoria should finalise the development of the Chris21 system and:
 - (i) embed responsibility for the People and Culture Division within the process to record all data pertaining to requests for flexible working arrangements, approvals and refusals (including reasons for refusal)
 - (ii) provide regular, accurate data reporting to the Board and Executive Committee and make de-identified flexibility data transparent to staff via internal communication.

Recommendation 33

Building knowledge, capability and accountability

Ambulance Victoria should:

- (a) ensure all employees are aware of the organisation's commitment to flexibility by embedding relevant content pertaining to rights and obligations under the Think Flex First Framework, the *Equal Opportunity Act 2010* (Vic), the *Fair Work Act 2009* (Cth), the Ambulance Victoria Enterprise Agreement 2020 (and other industrial agreements) into induction and other relevant training for graduate paramedics and new employees
- (b) build capability for managers by:
 - (i) embedding relevant content referred to in recommendation (a) above and content that better enables managers to promote

workplace flexibility and respond to and support flexible working arrangement requests in new targeted workplace equality training for managers referred to in Section 12.5.1

- (ii) developing fit-for-purpose resources and tools for employees, managers and teams to ensure managers apply the Think Flex First Framework and ensure all staff have equal access to flexibility
- (c) embed workplace flexibility key performance indicators for managers to formally incentivise and acknowledge inclusive leadership behaviour and identify managers who require additional capability and support:
 - (i) managers who do not record written reasons for refusals should be assessed as not meeting core behavioural and risk KPIs
 - (ii) actively role modelling flexibility and/or endeavours to introduce team-led advancements in flexibility should be identified as an example of meeting core behavioural KPIs.

Recommendation 34

Creating reasonable adjustment policies, expertise and strategy

Ambulance Victoria should embed leading practice expertise and practice with regard to reasonable adjustments by:

- (a) developing a stand-alone overarching Reasonable Adjustments Policy and Procedure that incorporates the Fitness For Duty Policy and Procedure and Return to Work Policy and is informed by consultation with union representatives, external experts and staff who have sought reasonable adjustments
- (b) incorporating detailed guidance in the new Reasonable Adjustments Policy on what reasonable adjustments may constitute for a potential or existing employee, and how to identify reasonable adjustments as a first step
- (c) amending the Fitness for Duty process in the new policy so that employees are only required to undertake an assessment when they disclose a condition that prevents them from adequately performing the 'genuine and reasonable' requirements of their role, and providing examples and guidance for this in the case of operational staff
- (d) collecting and capturing data relating to applications, approvals, types of reasonable adjustments provided, and refusals, not only for reporting purposes but for the purposes of continuous improvement
- (e) taking steps to expand capability within the People and Culture division, so the people working in this sector are better equipped to support the organisation to adopt leading practice approaches
- (f) embedding content to promote and implement the new policy into existing, relevant training.

Recommendation 35

Improving long-term planning for transition to retirement

Ambulance Victoria should:

- (a) factor transition to retirement for its existing and future employees into long-term workforce planning via a transition to retirement strategy, informed by sector peers, staff and unions and professional associations, so that systems and options are in place to maximise the contribution of workers as they near retirement, while supporting their health and wellbeing
- (b) review and update its arrangements relating to transition to retirement, so that:
 - (i) regular mechanisms are in place to seek staff and union input into improvements to transition to retirement options and support
 - (ii) employees who are considering retirement have access to dedicated and specialist counsellors who can assist them and their manager prepare a long-term plan.

Recommendation 36

Strengthening workplace equality education and training

Ambulance Victoria should:

- (a) work in partnership with an external training provider with expertise in leading practice approaches to workplace equality and leadership development, to re-develop and deliver live (in-person or virtually) and as part of induction and otherwise annually —
 - (i) a workplace equality training program for all employees and first responders
 - (ii) an advanced, tailored training program for leaders and managers that reinforces their key responsibilities under the *Equal Opportunity Act 2010* (Vic) and builds core workplace equality competencies, including managing challenging conversations and addressing conflict, engaging the workforce in safe discussions about workplace equality, monitoring and mitigating risks of unlawful and harmful workplace conduct, taking a victim-centric and trauma-informed approach to reports and complaints of unlawful and harmful workplace conduct, which includes understanding intersectionality and the particular needs of different staff cohorts, and anticipating and addressing backlash
- (b) develop practical tools and resources to support the workforce and leaders and managers to apply key learnings from these programs
- (c) ensure its systems allow training completion rates to be adequately monitored and reported on.

The training should be rolled out sequentially, with the advanced management training program delivered by December 2022, followed by universal workplace equality training for all employees and first responders to be delivered by July 2023.

Recommendation 37

Embedding sustained learning and development

Ambulance Victoria should continue to deliver the Leading Together Program to middle and frontline managers, while also taking other immediate steps to support managers to develop and demonstrate improved people management capabilities and inclusive leadership, including by:

- (a) ensuring managers have performance development plans in place by December 2022 with standardised KPIs for workplace equality and people management
- (b) trialling the use of a 360-feedback tool to support ongoing development in the first instance, with further consideration to using such tools for performance appraisal in future
- (c) requiring individuals who are assessed as eligible to act in a management role but have not yet completed leadership and people management training to do so as soon as practicable and assigning all acting managers a mentor while acting in a management role
- (d) exploring ways to provide diverse learning opportunities and exposure to a variety of leadership and management approaches, for example through regular external secondments or external, cross-sector communities of practice
- (e) conducting a comprehensive capability audit following the delivery of the Leading Together program to assess its impact and apply lessons to future iterations of the program.

Recommendation 38

Creating an operating environment where capabilities can be realised

In consultation with the Department of Health, Ambulance Victoria should consider how it can enable and support more regular contact and engagement between managers and their team members (including ensuring sufficient time and capacity) to allow them to deliver on a fair, equal and inclusive workplace.

Recommendation 39

Fully embedding workplace safety and equality in risk management and health and safety systems

Ambulance Victoria – led by its Board – should review, further develop and use its risk management and health and safety systems to:

- (a) ensure the drivers of workplace harm identified in this review are identified, visible and escalated at an enterprise level
- (b) reduce the risks to workplace equality and safety and enable continuous improvement.

Recommendation 40

Updating and strengthening governance documents

Ambulance Victoria should review key corporate documents to ensure explicit, consistent and strong statements of commitment to and shared responsibility for workplace equality and safety that underpins other corporate priorities (see Recommendation 10). Priority should be given to updating:

- (a) the Board charter and/or governance policy
- (b) Board committee terms of reference
- (c) core corporate governance frameworks and policies.

Such statements should be included in the new Strategic Plan and future annual reports.

Recommendation 41

Board learning through reflective practice

The Ambulance Victoria Board should undertake a reflective, facilitated workshop to review and discuss how the drivers of discrimination, sexual harassment, bullying and victimisation identified in this report:

- (a) have shaped workforce equality experience in practice and Board governance and oversight of this issue
- (b) are likely to influence implementation of reforms and continual improvement
- (c) may affect other, interdependent aspects of organisational performance.

Such reflective practice should be built into regular, annual strategic reviews at the Board and Executive Committee level.

Recommendation 42

Organisational healing and culture change through reflective practice

As part of the new prevention plan called for in Recommendation 3, Ambulance Victoria should:

- (a) design and implement a cross-organisation program of structured, facilitated reflections on the findings of this review, including the key drivers of harm and inequality
- (b) ensure this process is victim and trauma-informed, aware of power imbalances and seeks to create safe spaces and practices for reflection and discussion
- (c) enable expression of the range of positive and negative experiences of Ambulance Victoria's workforce
- (d) consider models such as 'roadshows' across different geographic areas, functions and staff representative groups
- (e) be informed by research and models on organisational healing and cultural change
- (f) reiterate the Board's and the CEO's commitment to change to address the review's findings and to implement the review's recommendations.

Recommendation 43

A holistic and evidence-based information and data plan and communications strategy

Ambulance Victoria should formally adopt the outcomes framework in Appendix E to address unlawful and harmful workplace conduct and inequality as part of the new prevention plan called for in Recommendation 3.

As part of this plan and aligned to the outcomes framework, Ambulance Victoria should develop an integrated, holistic, evidence-based:

- (a) information and data plan for workplace safety and equality
- (b) communications strategy for workplace safety and equality

Ambulance Victoria should design these with employee and first responder and stakeholder input.

Notes

1. Wendy Tuohy, 'Sex discrimination and harassment widespread in Ambulance Victoria, say paramedics', *The Age*, 26 October 2020, <<https://www.theage.com.au/national/victoria/sex-discrimination-and-harassment-widespread-in-ambulance-victoria-say-paramedics-20201025-p568h5.html>>. See also Wendy Tuohy, 'They wrote her number on public toilet walls all up and down the Calder Highway', *The Age*, 27 October 2020, <<https://www.theage.com.au/national/victoria/they-wrote-her-number-on-public-toilet-walls-all-up-and-down-the-calder-highway-20201027-p5693f.html>>; Wendy Tuohy, 'Human Rights Commission to probe reports of sex discrimination, harassment at Ambulance Victoria', *The Age*, 27 October 2020, <<https://www.theage.com.au/national/victoria/human-rights-commission-to-probe-reports-of-sex-discrimination-harassment-at-ambulance-victoria-20201027-p568zs.html>>.
2. Responses to the Commission's survey indicated: 47.2% (n=909) of the 1925 people who responded to the survey question told us that they had experienced discrimination at Ambulance Victoria; 17.4% (n=335) of the 1928 people who responded said that they had been sexually harassed; 52.4% (n=988) of the 1886 people who responded said they had been bullied; 34.5% (n=80) of the 232 people who had made a formal complaint of unlawful conduct and answered the question reported being ostracised, victimised or ignored, while 40.5% (n=94) reported negative career consequences.
3. Among the 2043 people who answered this survey question, fewer than two in seven people told us that they feel 'completely' or 'very safe' from these types of unlawful conduct (7.9% or n=162 and 19.9% or n=406, respectively). By contrast, 21.4% (n=437) said they 'do not feel safe at all', 19.9% (n=406) reported feeling 'only slightly safe' and a further 30.9% (n=632) indicated that they feel 'moderately safe' from these types of unlawful conduct at work.
4. Of the 2031 participants who responded to the survey question 'How respected do you feel in your workplace?', only 5.6% (n=113) reported feeling 'completely respected', while more than twice this number (12.0% or n=243) said they 'do not feel respected at all'. A further 22.8% (n=463) told us that they feel 'only slightly respected'.
5. The response from our survey included: 77.6% (n=676) for discrimination, 90.3% (n=299) for sexual harassment and 67.7% (n=667) for bullying.
6. Of the 1887 participants who responded to this question, 47.7% (n=900) indicated they were a bystander to discrimination. A total of 39.3% (n=741) of survey respondents said that they were bystanders to sexual harassment. A total of 66.4% (n=1253) reported being a bystander to bullying.
7. Of the 898 people who reported experiencing discrimination and answered a question about their response to it, 15.3% (n=137) made a formal complaint. Of 335 survey participants who responded to a question describing what action they took after experiencing sexual harassment, 9.6% (n=32) submitted a formal complaint. Of the 981 survey participants who experienced bullying and responded to this question, 15.9% (n=156) reported taking steps to submit a formal complaint.
8. The percentages of survey respondents who reported feeling not at all satisfied with the overall process of dealing with their formal complaint of unlawful conduct, included: 80.3% (n=106) of those who experienced discrimination and made a formal complaint; 55.2% (n=16) of those who experienced sexual harassment and made a formal complaint; 78.8% (n=119) of those who experienced bullying and made a formal complaint.
9. The most frequent barrier to making a formal complaint identified by participants was a fear that no action or change would result from doing so – including: 71.5% (n=535) of the 748 survey participants who experienced discrimination and responded to this question; 48.1% (n=142) of the 295 survey participants who experienced sexual harassment and responded to this question; 65.1% (n=525) of the 806 survey participants who experienced bullying and responded to this question.

10. Survey participants reporting that they did not make a formal complaint because they feared there would be negative consequences included: 62.3% (n=466) of the 748 survey responses to this question who experienced discrimination; 38.6% (n=114) of the 295 survey responses to this question who experienced sexual harassment; 50.0% (n=403) of the 806 survey responses to this question who experienced bullying.
11. Workplace Gender Equality Agency, 'Australia's Gender Pay Gap Statistics' (Webpage, Australian Government) <https://www.wgea.gov.au/sites/default/files/documents/Gender_pay_gap_fact_sheet_Feb2020.pdf>.

Contact us

Enquiry Line	1300 292 153
NRS Voice Relay	1300 555 727 then use 1300 292 153
Interpreters	1300 152 494
Email	enquiries@veohrc.vic.gov.au
Website	www.humanrights.vic.gov.au