

FAIR AGENDA

Parliamentary Staff Guide to Submission for Independent Review into the workplaces of Parliamentarians and their staff

Purpose of guide

This guide is intended to act as a support for parliamentary staff responding to Commissioner Jenkins' Independent Review into the workplaces of parliamentarians and their staff.

Fair Agenda has drawn on advice from experts in violence prevention and response to compile this resource. This guide provides information on best practice and leading initiatives to create safe and respectful workplaces. For ease of use, the guide has been divided into specific themes that relate to questions in the Jenkins review. These themes include brief background information and recommendations on proposed solutions to support safe workplaces.

It is hoped that this guide acts as a resource for current and former parliamentary staff who may want to reference or express support for expert-sourced information and best practice models, alongside their own personal experiences and insights.

How to contribute to the Jenkins Review

You can contribute to the Jenkins Review by making a named or anonymous [submission](#) to the Australian Human Rights Commission. If you are a current parliamentary staff member you will also be provided with a Roy Morgan survey to complete.

You can find out more about the review and how you can contribute at the [Commission website](#).

Background

Transforming workplaces into respectful and safe environments requires initiatives at a variety of levels. This includes changes to: workplace policy, processes, and culture. As these three areas have a symbiotic relationship, all must be addressed and actioned appropriately for meaningful change to be created.

The Australian Parliament House presents a unique working environment for a number of reasons, including: the nature of the work, the highly political environment, and the governing rules of the workplace. **The themes below aim to address policy, processes and culture as it relates to this specific workplace environment.**

We note that a [consultation version of the Foster Report](#) (focused on procedures and processes relating to serious incidents) was released in June. A final version of this report has not been released, or adopted, but this guide references topics discussed in that report's recommendations where relevant to the questions, as the Foster report is intended to feed into the Jenkins review.

About Fair Agenda

Fair Agenda is an independent community campaigning movement working for a future where our gender doesn't diminish our worth, safety, security or agency. Our movement is made up of 44,000 people from all backgrounds and walks of life, who use their collective people-power to drive change on the issues that matter to them.

Fair Agenda is a dedicated advocate for freedom from gender-based violence, and for workplace safety. We have worked in partnership with specialist service providers, peak bodies and survivor advocates to advocate for: funding of specialist family violence services; improved training to prevent sexual violence at university residences; and systemic reforms to improve the safety of those affected by family, domestic or sexual violence. **We believe all workplaces should be safe and free from sexual violence, including parliaments.**

You can sign up to hear about and get involved in Fair Agenda's campaigns at: fairagenda.org/join

Submission Guide

Leadership commitment

Most relevant to review question: 8

Background:

Workplaces are highly influenced by the values and actions of leaders, particularly in setting the standards of behaviour and creating workplace culture.

Parliament is a unique workplace in that parliamentarians are ultimately accountable to their constituents, who elect and remove them in the election cycle.

Recommendation:

In order to set a clear tone for change in the parliamentary workplace, it is important that all elected members:

- Publicly support the need for change to create a respectful and safe workplace, free of violence. In particular, multi-partisan leaders affirming their commitment.
- Are required to undertake actions related to creating workplace culture change, i.e. compulsory training for themselves and staff, as opposed to voluntary/ opt-in training.

Code of Conduct

Most relevant to review question: 8

Background:

Currently there is no mechanism to ensure that parliamentarians enforce standards of behaviour for their staff, or themselves.

All state and territory parliaments in Australia, except South Australia, have a Code of Conduct for elected members. This practice is also followed in similar democracies internationally, such as the UK, Canada and Scotland, who have codes of conduct for elected members that explicitly include bullying, harassment and sexual harassment.

The Foster report highlights the lack of current accountability measures, noting: “There is currently no capacity to enforce action by a parliamentarian in relation to a workplace review, either in relation to their own behaviour or in management of their staff.”

The national leader in preventing violence against women and children, Our Watch, has created the 'workforce equality and respect standards.'. These highlight the need for policies focused on equality and respect, and clearly state that workplace commitments - which apply to everyone - are key components of an organisational commitment to preventing violence. These standards also recommend a Code of Conduct and provide guidance for what should be included in that code.

Creating a Code of Conduct that would apply to all parliamentarians is one way to ensure all elected members are all held to a standard of behaviour. Currently only Ministerial Standards apply to a small proportion of elected members, and must be enforced by the Prime Minister.

Recommendation:

Introducing a Code of Conduct for elected members would create a level of accountability to ensure they action issues in their office, as well as a mechanism in which elected members are personally held accountable for their own actions. Any Code of Conduct should be developed with experts, and satisfy these objectives:

- Outlining both values and duties
- Be operationalised by an independent body i.e. an independent office is established to receive complaints (including anonymous complaints), investigate, make determinations, and report on the code to the relevant House or Privileges Committee
- With effective accountability mechanisms i.e. that there are meaningful penalties that can and will be enforced
- Ideally legislated, so it requires the agreement of the parliament to change

The result should be that parliamentary staff, and members of the public, have confidence that the Code will ensure accountability and support respectful and safe workplaces. Elected members should be supported through a briefing on the Code of Conduct when they are inducted, and at regular intervals to ensure their ongoing engagement and understanding.

Independent and expert support and investigation for complaints

Most relevant to review questions: 4 and 8

Supporting those who have experienced sexual harassment or assault, and ensuring effective and independent investigation of complaints, are two distinct and specialist functions. Best practice calls for independent bodies that are separate from one another to perform these two functions.

The consultation edition of the Foster review recommended the establishment of a Specialist Investigation Team (SIT) and Workplace Review Panel to carry out these functions. This SIT would be: “a multi-disciplinary team of case coordinators with relevant expertise in providing trauma-informed care... the SIT would provide ongoing advice and support to any parliamentarian or MoP(S) employee who has experienced, witnessed, been accused of, or is managing or supporting someone in relation to a serious incident.”

The Foster report’s recommendation was that a SIT be created under the *Parliamentary Service Act 1999 (Cth)* as a function of the Parliamentary Service Commissioner (PSC). The Commissioner is a statutory officer appointed under the Parliamentary Service Act by the Presiding Officers of the Parliament, and so will have a degree of independence. It also recommended that the SIT perform counselling support, local resolution, external referral (such as to the AFP) and referral to a member of the Workplace Review Panel (WRP).

The Foster report recommended that a Workplace Review Panel be comprised of independent experts who have experience in workplace harassment and misconduct, including sexual harassment, employment law and public law, and with a good understanding of the parliamentary workplace. It is the view of violence prevention and response experts that these staff should also have a deep understanding of the gendered drivers of violence, different types of problematic behaviour, as well as trauma. The Foster Report recommended such a Panel be drawn on by the SIT to conduct workplace reviews, namely for serious incidents such as sexual assault, as needed.

Recommendations:

The Foster Report has recommended that a SIT and Workplace Review Panel be independent, in that they fall under the PSC. It is also critical that these two functions of support and investigation are independent of each other.

Other key considerations should be:

- *There must be both independence and a clear relationship between support and investigation bodies*, such as the SIT and WRP, that reflects with best practice including:
 - Clarity and transparency on what matters / reports would be escalated to the WRP independent reviewer and what would remain with the SIT
 - Ensuring disclosures will be responded to in a trauma-informed manner
 - Clarity around how the SIT will support all sides of the complaint in an independent and confidential manner.
 - Clarity and transparency on how referrals to law enforcement are managed

- Clarity and transparency around how referrals are effectively managed from the 1800 APH SPT service to the SIT and WRP
- *Any involvement of Public Service Commissioner should be trauma-informed.* Where there is interaction between the PSC, the SIT and WRP on investigating complaints, the PSC should draw on the expertise of experts when handling complaints to ensure the process is undertaken in a trauma-informed way.
- *Recruitment of appropriate people for the SIT and Workplace Review Panel.* The recruitment, selection and independence of any such staff is critical. Both support and investigation are specialised skills, and the value and importance of these skills will need to be reflected in the proposed remuneration of roles and the adequacy of staffing to perform these duties
- *Transparency in the progress of response and investigation functions to ensure teams are functioning effectively and as desired.* Any SIT and Workplace Review Panel must be accountable. This should include tracking progress on cases, including timely responses and appropriate handling. This could be provided by an annual report to Parliament, or oversight conducted by a Parliamentary Committee, or similar.
- *Burden of proof.* Consistent with the Foster report recommendation, investigations related to any breach of workplace standards or any Code created, should be determined on the balance of probabilities, which follows best practice administrative decision-making.

Support when reporting

Most relevant to review questions: 7 and 8

Best practice advice calls for those who have experienced sexual harassment or assault to be responded to in an effective, trauma-informed manner. The Foster report recommendations on the role of the Serious Incident Team (SIT) set out these baseline requirements: “timely, independent, confidential and trauma-informed wrap-around support.”

While the Foster report has not been endorsed by the Government, the creation of a body like the SIT is necessary to ensure appropriate support for anyone affected. The following recommendations relate to establishing such a body:

Recommendations:

- The limits of support from the SIT should be made clear and transparent to all potential complainants. It is recommended that support from any such body continue to be provided if a complainant elects to also report the matter to the

police. It should also be clear if the SIT will provide support if a complainant resigns or is removed from their role.

- If complainants are in close proximity to the person they are making a complaint against, the SIT needs clear process and policy in place to ensure safe options for the complainant.
- The “wrap around support” that will be offered to complainants should be defined so that complainants understand what their options are when reaching out.
- It will be important to ensure a consistent, supportive response to those who have experienced sexual harassment or assault. Currently complainants can seek support through the 1800 APH SPT, and in future this could include the SIT or similar body. It is important that complainants receive a trauma informed response, no matter where they disclose and report.
- Independent, confidential trauma counselling support services should be readily available 24/7
- All complainants should be informed of the process and provided updates as the complaint progresses
- It should be clear that witnesses and bystanders can make complaints, it does not have to be the person who experienced the inappropriate behaviour
- It is critical that anyone who makes a complaint, or receives an allegation, should have access to support, and that the support be treated confidentially
- The role of the SIT should be widely promoted so all staff understand its existence and function.
- While a SIT would be the intended and primary conduit for receiving complaints, it is commonplace for people to report to those whom they feel comfortable and safe, and who may be able to support them. For this reason best practice suggests all staff in a human resources role, or that are likely to receive disclosures, must be trained to compassionately respond to disclosures in a trauma-informed manner. These people must be equipped to warmly refer people to the SIT, in accordance with the policies and procedures. Ideally this should include all elected members and Chiefs of Staff, who have ultimate responsibility and management of offices.

Staff training and education

Most relevant to review questions: 5 and 8

Background:

Consistent with best practice guidelines, prevention needs to be considered as a key aspect of ending violence and disrespect in any workplace. Behaviours, attitudes and beliefs that drive a culture of disrespectful behaviour and violence are a critical piece of

the puzzle along with policies and processes. Including preventative measures to address workplace culture is a more holistic approach that is likely to see meaningful change. Training and education is one element among many to support workplace culture, but alone it is not sufficient and needs to be supported by a whole-of-workplace approach.

Recommendations:

Staff training and education should meet the National Standards for the primary prevention of sexual assault through education. That involves being created and facilitated by trained experts who understand issues of gender-based violence and can effectively support staff. Specifically:

- Training should go beyond induction – providing opportunities to engage across a person’s time in workplace with refreshers, as well as access to support. Evidence from Our Watch suggests that one-off sessions do not support meaningful change.
- Training should include understanding the role of ethical bystanders and how to effectively identify problematic behaviour and how to safely intervene
- Training must be supported with clear communications in the workplace, including clear messaging on standards of behaviour

Historical reporting

Most relevant to review question: 9

Background: It is currently unclear how historical reports of abuse and misconduct in parliament will be managed, and how those who have experienced sexual harassment or assault will be supported. The interim Foster report recommended that historical reporting i.e. incidents occurring before the current Parliament, be directed to the Department of Finance for response. However, it is unclear if the relevant staff in the Department of Finance has the appropriate specialist skills and support in place to meet these needs, or if they are intended to be trained in this area. When public disclosures of violence are made, historical reporting often increases. Supporting people who have experienced sexual harassment or assault adequately means anticipating this increase and ensuring effective trauma-informed responses, in order to mitigate the potential for re-traumatisation and further harm.

Recommendation: Anyone receiving disclosures must have the appropriate skills and support in place to meet the needs of anyone reaching out to them. It is therefore recommended that all historical reports should be directed to the SIT, or similar independent and specialist body, to ensure adequate support.

Technologically facilitated sexual harassment, bullying or abuse.

Most relevant to review question: 9

Background: The Foster report noted that it considers technologically facilitated sexual harassment, harassment or abuse as a type of serious harm that would be dealt with by any SIT WRP.

Recommendation: All prevention and response efforts need to explicitly deal with technologically facilitated sexual harassment, harassment, bullying and abuse.

Support for staff at Parliament, not covered under the MOPs act.

Most relevant to review question: 9

Background: Staff that work in Parliament House, or in proximity to parliamentarians and parliamentary staff, but who are not employed under the *Members Of Parliament (Staff) Act 1984* (MOPs), were considered out of scope for the Foster report, and it is currently unclear how these staff will be considered in the Jenkins review.

Recommendation: Given their crucial role in Parliament, as well as proximity and interaction between MoPs staff and elected members, it is strongly recommended these staff be considered in the Jenkins report. For instance, these staff should have rights to access the Serious Incidents Team (SIT) for support.

Support services

Discussions of violence impact people in different ways, whether you have experienced violence directly, supported someone who has, or are affected by the current public conversations on these issues. There are a number of support services available to seek support from, whether you need to debrief with someone, or seek counselling support.

The Parliamentary Support Line (1800 APH SPT or 1800 274 778): will provide support or referrals to police and other specialist services.

1800 RESPECT (1800 737 732): 24 hour, National Sexual Assault, Family & Domestic Violence Counselling Line for any Australian who has experienced, or is at risk of, family and domestic violence and/or sexual assault.

Lifeline (131 114): has a national number who can help put you in contact with a crisis service in your State (24 hours)

Police or Ambulance: call 000 in an emergency for police or ambulance.

Translating and Interpreting Service (131 450): phone to gain access to an interpreter in your own language (free)

Men's Referral Service (1300 766 491): supports men and boys who are dealing with family and relationship difficulties

Resources and References

[Terms of Reference: Independent Review into the workplaces of Parliamentarians and their staff](#)

Foster, S. - Department of the Prime Minister and Cabinet, 2021, "[Review of the Parliamentary Workplace: Responding to Serious Incidents](#)"

National Association of Services Against Sexual Violence, 2015, "[Standards of Practice Management for Services Against Sexual Violence](#)" 2nd Edition"

Carmody, M., Evans, S., Krogh, C., Flood, M., Heenan, M., & Ovenden, G., 2009, "[Framing best practice: National Standards for the primary prevention of sexual assault through education](#)", National Sexual Assault Prevention Education Project for NASASV. University of Western Sydney, Australia.

Our Watch, 2017, "[Workplace policies to support equality and respect: Practice Guidance](#)"

Our Watch, 2018, "[Workplace equality and respect standards](#)"

Connecting with Fair Agenda

Fair Agenda draws its strength from our movement of 44,000 people who are using our collective people-power to fight for a world where gender doesn't diminish our worth, safety, security or agency.

If you have found this resource helpful, and want to be involved in our movement for change, please sign up to hear about campaigns, and to get involved with opportunities for action: fairagenda.org/