

Joint Select Committee on Parliamentary Standards

Working Women's Centre, S.A., Working Women Queensland
and N.T. Working Women's Centre

Submission to the Inquiry by the Joint Select Committee on Parliamentary Standards

Introduction

1. The Working Women's Centre, S.A., Working Women Queensland and NT Working Women's Centre (WWCs) welcome the opportunity to make this Submission to the Joint Select Committee on Parliamentary Standards.
2. The WWCs are not-for-profit advocacy, legal and industrial relations centres that provide free legal and industrial advice, information, support and representation to vulnerable, non-unionised workers about their rights at work. We provide community education, policy advocacy and workplace training. We predominately service people identifying as women and we are experts in gender-based workplace issues.
3. The Resolution to develop a code or codes of conduct for Commonwealth parliamentarians, parliamentary staff, and parliamentary workplaces to ensure safe and respectful behaviour is most welcome. However, little will be achieved without the structural and cultural changes designed to implement and enforce any proposed code.

Implementation and enforcement of proposed code/s

4. WWCs welcome the inclusion for consideration of the findings and recommendations of the Australian Human Rights Commission's Review, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*.
5. The Review's Terms of Reference asked it to make recommendations to ensure that Commonwealth Parliamentary Workplaces (CPWs) are safe and respectful, and that the nation's Parliament should reflect best practice in the prevention and handling of bullying, sexual harassment and sexual assault.
6. The Review aims to see Commonwealth Parliamentary Workplaces serve as models of standards of behaviour where respectful behaviour is rewarded and in which any Australian, no matter their gender, race, sexual orientation, disability status or age, feels safe and welcome to contribute.
7. The review found a number of factors are implicated in the misconduct (and, we note even criminal behaviour) in these workplaces. These are: inequalities of power and gender, lack of clear or consistent standards of conduct and behaviour, as well as poor leadership skills, highly pressured participants with long and irregular work hours and settings, fear of causing trouble, the prevalence of alcohol and a lens that creates a protective and cloaking environment forcing unhealthy loyalty. The workplace structure has resulted in disjointed HR policies and practices.

8. While participants testified to experiencing relatively high rates of workplace abuse, very few reported it to any authority. The Review suggests this is because there was little hope of change or redress, that reporting would be futile.

9. WWCs have lengthy experience in taking cases for women experiencing such abuse in a wide range of workplaces in Australia. This is evidence that people will report and seek solutions if organisations such as WWCs, or other worker support organisations such as unions, are available, and that are able to access appropriate Industrial and HR systems.

10. The complicating factor that distinguishes parliamentary workplaces from (most) others is that they are at the centre of state political activity, which is about power, both getting it and using it. Both parliamentarians and parliamentary staff are implicated. One result is that illegal and potentially criminal forms of workplace abuse can become the means to gain and exercise power in the workplace but also among the stakeholders, including political parties and political associations.

11. Reporting and gaining redress for such abuse is hard enough in many workplaces, but complaints can be weaponised in CPWs against complainants, threatening to thwart their careers, political activity and that of their political associations.

12. This problem can be overcome if an independent mechanism is established to provide safe, trustworthy and equitable support as well as effective consequences to those who engage in bullying, sexual harassment and sexual assault.

The WWCs therefore endorse the Commission's proposal that an 'Office of Parliamentary Staffing and Culture (OPSC) be created to provide human resources support to parliamentarians and their individual staff (Figure 5.4)'.ⁱ 'The OPSC would be created under the MOP(S) Act; be physically located in Parliament House but also provide services to staff in states and territories via regional offices or outreach services; be headed by a statutory officer, with legislative provision made for the employment of staff; and would report annually to the Presiding Officers.'

The WWCs strongly recommend that the workings of the independent body **be transparent** in order to ensure that it operates in timely, safe and effective ways, in line with its intended mission.

Training

13. The successful **implementation** of Codes of Conduct depends on everyone understanding the principles and goals of the Code. Training of all members of a workplace has long been recognised as an essential component of the efforts to achieve equitable cultural change.

14. The WWCs have considerable experience over many years in providing training to workplace managers, political parties and associations, and workers more generally on the issues of workplace bullying, harassment, sexual harassment and sexual assault. (The WWCs

also provide training for workplaces on Family and Domestic Violence, as well as on their work and industrial rights.)

15. It is essential that training programs are carefully thought out and are undertaken by experienced and skilful trainers. It is not good enough to offer simple online tick-the-box programs. Training of this kind is barely more than a placebo.

16. Training works to challenge the **politics of ignorance** about the causes and conditions of bullying, harassment and sexual assault in the workplace. It challenges the systematic discrimination exercised by those in power, and their claims to not know about gender, race, class and disability disempowerment.

17. The adoption of best practice training is the first step in confronting the culture of discrimination and the politics of ignorance which enable such abuse. To achieve effective outcomes, best practice training is required for all, leaders, managers and all workers.

18. The *Set the Standard* Review endorses this requirement in Recommendation 14: Best practice training. It recommends mandatory best practice training for everyone working in Commonwealth parliamentary workplaces. It should be developed by its proposed Office of Parliamentarian Staffing and Culture to be conducted during induction and annually on:

- i. respectful workplace behaviour
 - ii. relevant Codes of Conduct
- as well as best practice people management and inclusive leadership training for parliamentarians and senior Members of Parliament (Staff) Act employees, and
- (c) the parliamentary departments should review and implement mandatory best practice respectful workplace behaviour training (p. 22).

WWCs endorse this recommendation but we suggest that the proposed training will be more effective if undertaken **by independent third parties** (such as WWCs) in order to avoid the obstacles in the inherent inequalities of power in these workplaces.

Culture and Consequences

The culture of the Commonwealth Parliamentary Workplace obviously needs to change. A clear and comprehensive code of conduct for all parliamentarians and parliamentary staff in Commonwealth Parliament Workplaces is a good start. The last three years have revealed just how unsupportive and even risky the culture and practices currently are. The Review, *Set the Standard*, as well as the earlier *Respect@Work*ⁱⁱ report have documented the problems, as well as making viable recommendations for positive change.

The WWCs propose that the **strong and clear implementation** of the recommended strategies together with **enforcement** of actual consequences for those who breach the code are central to any possibility of success.

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*All case study names are pseudonyms

ⁱ Australian Human Rights Commission (AHRC) (2021) Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces. 30 November.

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_set_the_standard_2021.pdf

ⁱⁱ Australian Human Rights Commission. (2020). *Respect@ work: National inquiry into sexual harassment in Australian workplaces*. Australian Human Rights Commission.