

15 July 2021

Ms Kate Jenkins  
Sex Discrimination Commissioner  
GPO Box 5218  
Sydney 2001

Dear Commissioner

**Submission:  
Independent Review into workplaces of Parliament and their staff.**

With respect to the above review, this submission contains our experience and views on how to address four specific items in the Terms of Reference:

1. Correct current systematic weaknesses in preventing and handling bullying, sexual harassment and sexual assault.
2. Implement best practice in preventing and handling of bullying, sexual harassment and sexual assault incidents.
3. Recommend a clear and effective mechanism to prevent and address bullying, sexual harassment and sexual assault in the parliamentary workplaces.
4. Improve the current response and reporting mechanisms in parliamentary workplaces.

**Background and Experience**

For over 20 years, we have specialised in HR business and systems improvement.

This experience has helped us identify and address weaknesses in current HR processes.

As such, we have developed and successfully implemented a more appropriate process to prevent and deal with employee relations issues such as bullying, sexual harassment and sexual assault that occur in the modern workplace.

We call this improved approach Proactive Re-Engagement Program (PRP).

**1. Correct current systematic weaknesses in preventing and handling bullying, sexual harassment and sexual assault**

Based on our experience and expertise, the weakness in the current HR systems to preventing and handle bullying, sexual harassment and sexual assault claims is that is based on adversarial/legal principles.

*Page 1 of 3*



This is a legacy of traditional HR processes designed to manage more black and white issues such as poor performance.

Our experience has identified that PRP overcomes such systematic weaknesses as it is based on problem solving principles and proactive intervention.

For over 20 years, we have been assisting organisations across many industry groups including the public sector, education, mining and not for profit to successfully handle bullying, sexual harassment and sexual assault incidents using PRPs. When adopted, PRPs prevent future occurrences of such unacceptable behaviour.

## **2. Implement best practice in the handling of bullying, sexual harassment and sexual assault**

As indicated, we have spent the past 20 years identifying, testing, and successfully implementing PRPs as the best practice approach to handle bullying, sexual harassment and sexual assault claims.

Best practice is based on problem solving. And PRPs are built on problem solving principles and techniques.

Our best practice PRP approach identifies the counter-productive behaviour that is occurring and aligns it to a defined business problem. The difficult conversation is then based on engaging the counter-productive employee (or manager) to achieve agreement on the problem and cooperatively identify a solution that will resolve the business problem.

The prevention occurs as any growing counterproductive behaviour is proactively handled and resolved before it becomes a significant business problem.

The results of our best practice PRP approach include:

- 100% of all problems, including bullying, sexual harassment and potential sexual assault, successfully and permanently resolved.
- 65% of employee's demonstrating counter-productive behaviour successfully re-engaged as productive employees.
- 25% of counter-productive employees resign with no adverse or ongoing legal, financial or other actions.
- 100% success in defending the management action and decision when an unfair dismissal claim is lodged.

We are happy to defend these results against any other approach or process.

To the best of our knowledge the PRP combination of problem solving and proactive intervention, is unique to the HR profession.



**3. Recommend a clear and effective mechanism to prevent and address bullying, sexual harassment and sexual assault**

PRP is the clear, effective and proven mechanism that prevents and addresses bullying, sexual harassment and sexual assault in the modern workplace.

Should you choose to recommend such an approach, a three-phase implementation plan can be readily implemented. This includes:

- Awareness briefing sessions
- Skilled- base workshops
- Early intervention and case management

And the conclusion of which, knowledge, skills and process transfer will become operationalised and a clear and effective mechanism for staff in parliamentary workplaces.

**4. Improve the current response and reporting mechanisms in parliamentary workplaces**

PRPs improve the current response and reporting mechanisms in parliamentary workplaces because, as a formal program, the number and status of all PRP interventions can be logged and reported.

**Summary**

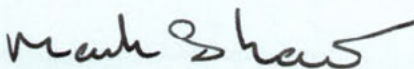
The weakness in the current HR systems to preventing and handle bullying, sexual harassment and sexual assault claims is that is based on adversarial/legal principles.

The best practice alternative is PRPs as it is more proactive and based on problem solving principles and techniques.

While incidents of bullying, sexual harassment and sexual assault can never be completely eliminated, our 20 years' experience confirms that significant preventative measures and improved handling of emerging issues are successfully resolved through the application of PRPs.

Further details are attached to this submission and can also be found at <https://www.neoshr.com.au/re-engagement>.

I thank you for considering this submission and look forward to the opportunity to expand on this information and assist the Commission improve the prevention and handling of bullying, sexual harassment and sexual assault incidents in the parliamentary workplace.



Mark Shaw  
CEO

# Solving an expensive business problem - Dis-engaged Staff.

Dis-engaged employees cost between one to five times their salary in lost productivity, actual cost, lost revenue and/or increased business risk. For a business, this means your net profit is being eroded, for a large business this could amount to millions per annum.

For over 20 years, the Proactive Re-engagement Program<sup>®</sup> (PRP<sup>®</sup>) has been successful helping all types of business resolve this significant business problem, including resolving 100% of problems caused by dis-engaged employees, re-engaging of 65% of employees and successfully defending 100% of any unfair dismissal claims that may be lodged.



## **RESOLVE THE PROBLEMS CAUSED BY DIS-ENGAGED EMPLOYEES**

Dis-engaged employees usually display unacceptable behaviour, poor or under performance, absenteeism and/or presentism, or perhaps even bullying or harassment of good performing staff and often report as 'feeling like the victim'.

For over 20 years the Proactive Re-engagement Program<sup>®</sup> (PRP<sup>®</sup>) has proven success at resolving this significant business issue.

Our unique approach is not only what differentiates us, but also what makes us your valuable business partner.

Proactively re-engaging staff helps organisations achieve their vision and optimise satisfaction, performance and productivity through energised, satisfied staff delivering high performance and great productivity.



## EXAMPLES OF SUCCESS



**Industry:** Medical Services

**Problem:** All work performed by dis-engaged employee repeated due to quality control concerns

**Cost of Problem:**

\$750,000

**PRP Outcome:** Employee successfully re-engaged to values and work quality returned to acceptable levels.

**Industry:** Education

**Problem:** Misalignment over role definition and workload

**Cost of Problem:**

\$300,000

**PRP Outcome:** Successful re-engagement to values once role clarified. Principal and employee happy with outcome.

**Industry:** Aged Care

**Problem:** Stress claims resulting from poor manager with mis-aligned values

**Cost of Problem:**

Potential \$1M

**PRP Outcome:** Manager successfully re-engaged to values, stress claims closed, and employees returned to productive work



## THE PROBLEM

Organisations incur real and expensive costs when employees are not aligned to their values and culture.

While the world of work has changed, most organisations have not kept pace with how to manage this problem.

## THE SOLUTION

The Proactive Re-engagement Program<sup>®</sup> (PRP<sup>®</sup>) has solved this problem for over 20 years.

The program helps managers and employees have the difficult conversation by focusing on the business problems caused by the dis-engaged employee's behaviour.



## WHY IT WORKS

The program takes managers and employees on the journey by:

1. Identifying the relevant business problem and then identifies a solution to resolve it.
2. Focusing on reengagement to the organisation's values
3. Providing a structured conversation template to support the difficult conversation
4. Always ensuring reasonable management action and opportunity to respond occur
5. Providing all necessary documentation to support management actions and decisions.



## OUTCOMES

Our outcomes over 20 years are:

- 65% of PRP's result in employees being re-engaged and productive.
- 25% of PRP's result in the employee choosing to resign with no ongoing legal, risk or cost issues.
- 10% of PRP's result in the organisation terminating the employee. In 100% of such cases, the organisation has successfully defended its process and decision.



*"A massive shout out to the inspirational Mark Shaw who reached out to me recently and has since taken me on a brainstorming journey to explore best practice Performance Management strategies from a theoretical and practical standpoint."*

*Paul Ikutegbe, Post Graduate HR Academic Award winner.*

---

*"Mark's approach to the Difficult Conversation is refreshing and valued. He focuses on reasonable management rather than policy compliance and this leads to superior outcomes".*

*Ian McDonald, Principal St Laurence's College, Brisbane (retired).*