

1.

Executive Summary

This is Parliament. It should set the standard for workplace culture, not the floor of what culture should be.

(Interview 69, CPW Review)

1.1 Introduction and context

On 5 March 2021, the Independent Review into Commonwealth Parliamentary Workplaces (Review) was established by the Australian Government, with support from the Opposition and crossbench. Conducted by the Australian Human Rights Commission (Commission) and led by the Sex Discrimination Commissioner, the Review's Terms of Reference (ToR) asked it to make recommendations to ensure that Commonwealth parliamentary workplaces (CPWs) are safe and respectful and that the nation's Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

This Report presents the Commission's findings and recommendations in six chapters:

- Executive summary
- Introduction and case for change
- Context of Commonwealth parliamentary workplaces
- What we heard
- Framework for Action
- Conclusion

1.2 Methodology

The Commission's approach to this Review was based on underlying principles, including that it be **independent, consultative, evidence-based, voluntary, confidential, and trauma-informed**. Guided by these principles and following ethics approval from the Human Research Ethics Committee of the University of New South Wales (HC210264), the Commission adopted a mixed methods approach to develop a robust evidence base which could inform its findings and recommendations.

This included face-to-face, online and telephone interviews, written submissions, an online survey, targeted focus groups, review of relevant data, legislation, policies, and processes, as well as review and analysis of domestic and international research.

The Commission's methodology is outlined in detail at **Appendix 2** and the substantial contributions of the 1,723 individuals and 33 organisations and collectives who contributed to the Review are outlined in Figure 1.1.

Figure 1.1: Contributions to the Review



*Note, this figure reflects the total number of contributions to the Review. Some participants may have participated in more than one form of engagement (for example, an interview and the Review Survey).

1.3 Understanding Commonwealth parliamentary workplaces

Commonwealth parliamentary workplaces are an ecosystem made up of multiple workplaces, each with its own culture. These workplaces are geographically dispersed and populated by people who work under multiple different employment arrangements and who do not report to one central agency or leadership structure.

People who work across these complex and varied environments include:

- 227 parliamentarians
- 2,256* staff employed either as electorate or personal staff to support parliamentarians under the *Members of Parliament (Staff) Act 1984* (Cth) (MOP(S) Act)
- people employed under the *Parliamentary Service Act 1999* (Cth) (Parliamentary Service Act) and the *Public Service Act 1999* (Cth) (Public Service Act)
- contracted service providers
- other workers, including the media, interns and volunteers
- Australian Federal Police.

1.4 The case for change

This Review occurs at a critical moment in time. It has been conducted in the context of shifts in community expectations around equality, safety and respect. Global momentum for change, including the #MeToo movement, has seen calls for an end to violence and harassment. The experiences of Grace Tame, Brittany Higgins, Chanel Contos and others, as well as a national conversation about consent, have also prompted renewed calls in the Australian context for an end to gendered violence.

Significant change is taking place across Australian workplaces to prevent and respond to bullying, sexual harassment and sexual assault, as demonstrated in the engagement in and response to the Commission's Respect@Work report of the National Inquiry into Sexual Harassment in Australian Workplaces.¹

Many Australian workplaces have recognised that a safe and respectful workplace culture influences their ability to attract and retain the best people, drive organisational performance as well as to manage what are now significant reputational and legal risks.

Parliamentary workplaces are not immune from these issues, nor from the scrutiny that is being brought to bear in relation to them.

Individuals experience significant harm where there is bullying, sexual harassment and sexual assault in the workplace, with negative effects, including on physical and mental health. A 'conservative estimate' from Deloitte Access Economics found that workplace sexual harassment also costs the Australian economy an estimated \$3.8 billion in 2018.² Bullying is estimated by the Productivity Commission to cost Australian employers and the economy between \$6 and \$36 billion annually.³ These figures alone demonstrate that the substantial and very real costs of misconduct are borne not only by the individuals concerned, but by a workplace and community as a whole.

Minimum standards of workplace conduct have been set by the Australian Parliament through laws. Trust is lost in the institution of Parliament when CPWs do not meet these standards that are expected of the rest of the Australian population—whether that be in their workplaces, community groups, sporting clubs or other contexts. As the Commission heard from participants, '[t]his is Parliament. It should set the standard for workplace culture, not the floor of what culture should be'.⁴

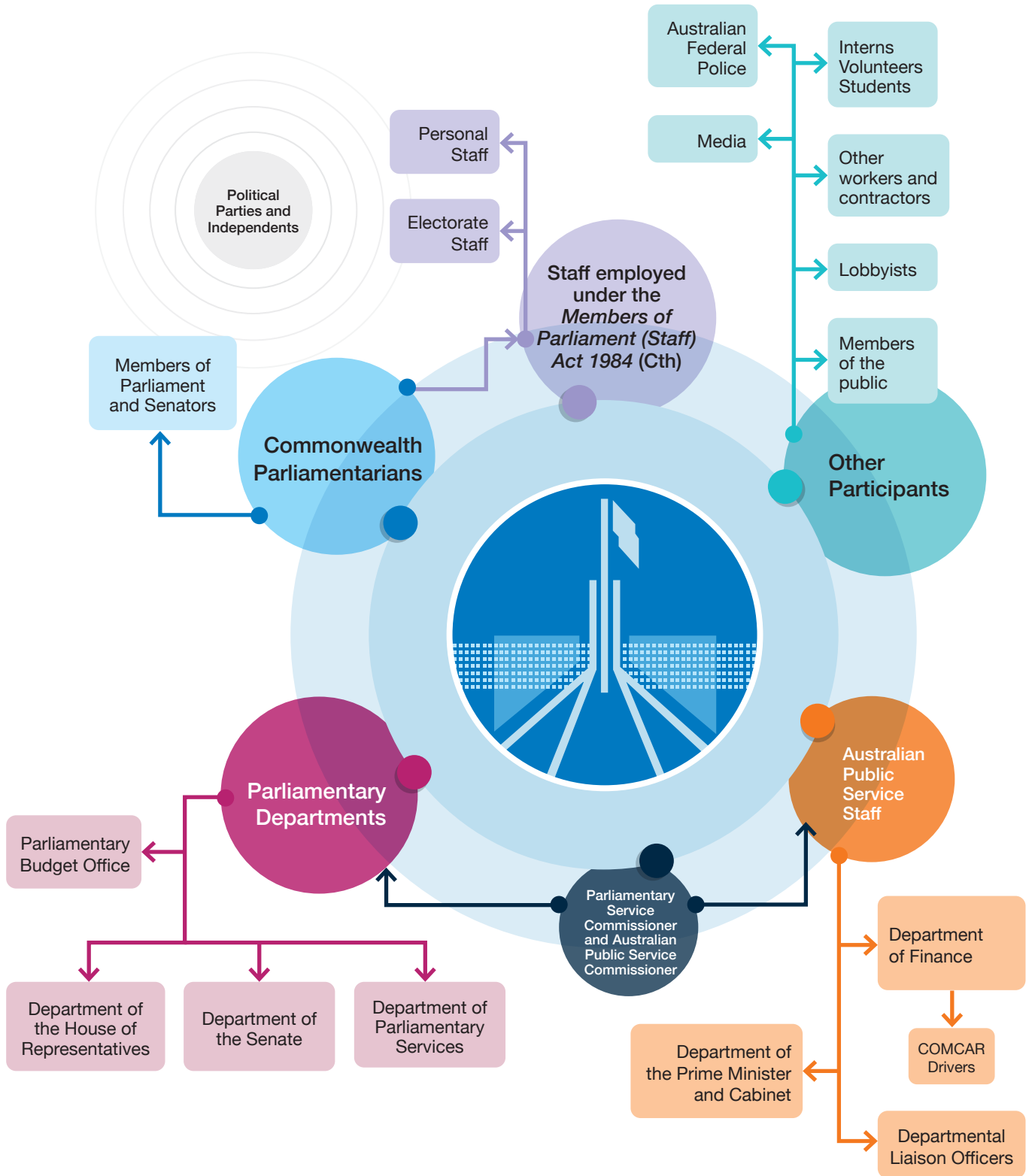
As well as legislating the standards which the wider community should adopt, CPWs must model these standards themselves. As well as ensuring a safe and respectful work environment, the opportunities that are then created include the chance to attract and retain the best parliamentarians and staff; to drive institutional performance; and, by supporting diversity, equality and inclusion, to improve representation and decision-making overall.

Several parliaments in comparable jurisdictions, both at the state and international level, have identified a need for cultural reform, as outlined in this Report. In doing so, they have recognised that ensuring a safe and respectful parliamentary workplace is essential to public confidence and to modelling best practice for the community that they serve.

There is an opportunity now for meaningful and lasting reform that ensures CPWs are safe and respectful—workplaces that uphold the standing of the Parliament and are a worthy reflection of people working within them.

***Note** Based on information provided by the Department of Finance, there were 2,222 MOP(S) Act employees working in CPWs, either as electorate staff or as personal staff to Ministers and office-holders, as at 1 June 2021. Additionally, the Department of the Prime Minister and Cabinet informed the Review of 34 personal staff employed in Official Establishments (at The Lodge or Kirribilli House), as at 31 July 2021. For this reason, this Report uses a total figure of 2,256 MOP(S) Act employees.

Figure 1.2:
The ecosystem of Commonwealth parliamentary workplaces



... this is for the most part, a bunch of people who work extraordinarily hard ... and the reason that they do it, is because they want to make the country a better place and because they truly believe that they can make a difference.⁵

1.5 What we heard

The Commission heard that there is no single workplace culture across CPWs. Workplace cultures are influenced by several factors. Some are consistent, many are interrelated, and some are unique. The experiences of people within these workplaces differ vastly based on a range of factors, particularly gender and role.

An overwhelming sentiment shared by participants across all CPWs was a view that working in these workplaces is a 'privilege and an honour'.⁶ Many people expressed their commitment to making a positive difference to the lives of people and communities across Australia through their work in CPWs, including one participant who told the Commission, 'I feel like I'm contributing to the country; this is my way of giving back'.⁷

Many participants explained that they decided to engage with the Review because they care deeply about the institution and want to be part of the process for change.

(i) Drivers and risk factors associated with bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

The Review's Terms of Reference require the consideration of the drivers and factors that may increase risk in the context of workplace bullying, sexual harassment and sexual assault. Drivers are systemic and structural and refer to 'root causes', while risk factors are the more immediate set of contextual and institutional risks specific to a

workplace. Both drivers and risk factors can interact in workplace cultures in which people experience misconduct.

(i) Drivers of bullying, sexual harassment and sexual assault

The role of power

Consistent with wider evidence, the Commission heard that power, including power imbalances and the misuse of power, is one of the primary drivers of misconduct in CPWs.⁸ While participants reflected on the inherent role of power in parliamentary workplaces, they observed that it is the misuse of power, fear of those who hold power, and a sense of entitlement that are particularly problematic. As one participant reflected, just because 'it's a culture which is all about power though, doesn't mean it has to be a culture which is about abuse of power'.⁹

Power operates in multiple directions in CPWs which can result not only in 'top down' bullying but lateral and upwards bullying as well. Participants described the significant power that parliamentarians wield within their offices, as well as the power dynamics between front and back bench parliamentarians, and the staff of Ministerial offices and other MOP(S) Act employees.

Participants from the parliamentary departments highlighted unreasonable demands and harassment by parliamentarians and MOP(S) Act employees, built on a culture of service and subservience with an expectation that 'we are meant to be providing a service at any cost ... irrespective of how the Members behave'.¹⁰

Some parliamentarians also told the Commission about instances of bullying of parliamentarians by their staff or people from their political party structure, including through the use of the media.¹¹ For example, one parliamentarian reflected, 'the higher the public profile, the bigger target you become. Staff work in the environment and they know that. All they have to do is threaten to take it to the media'.¹²

Gender inequality

Gender inequality is also a key driver of bullying, sexual harassment and sexual assault within CPWs. The Commission heard that institutional structures, processes and practices across CPWs devalue women and consequently foster gendered misconduct.

It is a man's world and you are reminded of it every day thanks to the looks up and down you get, to the representation in the parliamentary chambers, to the preferential treatment politicians give senior male journalists.¹³

Multiple participants spoke about the lack of women in senior roles, explaining that '[B]y crowding out women at the most senior levels ... a male-dominated and testosterone-fuelled culture dominates'.¹⁴ Participants also drew attention to gender segregation in the workplace, including 'being given tasks on a gendered basis'.¹⁵

Lack of accountability

Rather than being held accountable, participants told the Commission that people who engaged in misconduct were often rewarded for, or in spite of, their behaviour. The Commission heard about the particular difficulty of sanctioning parliamentarians who engaged in misconduct, because they do not have an 'employer'. As one participant put it '[t]here are no ramifications for bad behaviour because there is no risk of MPs getting fired, or otherwise being held accountable for their actions'.¹⁶ Participants also raised concerns about the limited recourse available for people who experience bullying, sexual harassment and/or sexual assault.

Entitlement and exclusion

Throughout the Review, the Commission heard about a lack of diversity across CPWs, the privilege of some groups of people, and the marginalisation and exclusion of others. Certain marginalised groups of people within CPWs experienced greater vulnerability to misconduct, as well as specific and unique experiences of discrimination, bullying, sexual harassment and sexual assault.

Many participants emphasised the importance of taking an intersectional approach to understanding workplace bullying, sexual harassment and sexual assault, as well as how to prevent and respond to these types of behaviour.

Some participants told the Commission that their identity as a First Nations person, culturally and linguistically diverse (CALD) person, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) person or person with a disability, meant that they were excluded or seen only through the lens of their identity. Participants shared that identifying as different from the norm in these workplaces is inherently unsafe and identified a need to increase diversity to reduce the potential for people to be 'targets'.¹⁷

(ii) Risk factors

Unclear and inconsistent standards of behaviour

In addition to these systemic drivers, the Commission heard that expected standards of behaviour either do not exist in CPWs or can be unclear and inconsistently enforced. This leads to confusion about the standards that apply and to misconduct being tolerated. This is compounded by a lack of clear policies and uniform training. Participants also described the intensity or informality of the work environment and the blurring of lines in the context of different interactions.

When the work is that fast paced, and the needs of the Minister are so unrelenting, you lose perspective on what is appropriate, what your rights are and the way in which you deserve to be treated.¹⁸

The lack of clear standards leads to confusion about expected behaviour and also contributes to the normalisation of misconduct. The Commission heard about a culture of misconduct being normalised and of people being unwilling to intervene or speak out. Some participants described a culture in which individuals responsible for misconduct are an 'open secret' that 'everyone knows' about,¹⁹ but nobody does anything to address.

Leadership deficit

One of the most common themes raised was the critical role of leaders in creating and maintaining a safe, respectful and inclusive workplace. As one participant observed, 'it comes from the top'.²⁰ While examples of good leadership which set the tone for safety and respect were described by some participants, many discussed the way in which leaders themselves were responsible for bullying, sexual harassment and sexual assault, and also their inadequate responses to the misconduct of others.

Further, many people who come to leadership roles within CPWs do so without the people-leadership skills that would be expected in other sectors. This can combine with the systemic drivers described above to create a leadership 'deficit', which not only fails to prevent or discourage misconduct in others, but results in some leaders being directly responsible for misconduct themselves.

Workplace dynamics

The Commission heard that workplace dynamics across all CPWs are characterised by intense loyalty, the prioritisation of 'optics' and, in political offices, intense media scrutiny and public interest. Participants readily acknowledged that 'blind loyalty to the [P]arty above all else'²¹ was a barrier to reporting and addressing misconduct. These workplaces were also characterised by the presence of fear, especially around job security and of the 'weaponisation' of information. The effect of this culture of fear was raised repeatedly, with one participant noting that, 'living in fear... that's not conducive to honesty, frankness, or transparent decision-making'.²²

Social conditions of work

The Commission heard that the social conditions of work in CPWs were also a direct and contributing risk factor for bullying, sexual harassment and sexual assault. Participants described a 'work hard, play hard' culture combined with travel away from home and family supports, particularly during sitting weeks,²³ which fostered environments in which bullying is accepted.²⁴ '[B]ecause it's so high pressure [...] if something goes wrong, people's reactions are quite unreasonable. Lots of shouting and yelling for just unnecessary reasons'.²⁵

'Playing hard' was seen to be a response to the all-consuming nature of the work, allowing people to 'let off steam'.²⁶ For many, this involved using alcohol as a coping mechanism, or as a conduit for socialising with colleagues.²⁷ In some situations, unsafe drinking

and blurred professional boundaries fostered environments where sexual harassment or sexual assault could occur. Participants also highlighted their limited work/life balance, the challenges and risks associated with fly-in-fly-out work and isolation.

Employment structures, conditions and systems

Throughout the Review, the Commission heard that the ways in which employment is structured and working conditions contribute to the workplace culture and constitute a risk factor for bullying, sexual harassment and sexual assault.

Participants noted that the temporary nature of employment is inherent to the work to some degree, given the impact of electoral cycles, political transitions and leadership spills.²⁸ However, MOP(S) Act employees also shared that they felt additional levels of insecurity due to the perception that the MOP(S) Act provides parliamentarians with broad powers to dismiss their staff and limited protections for MOP(S) Act employees. The insecurity of employment has a chilling effect on people speaking up about bullying, sexual harassment and sexual assault.

The long and irregular hours of work was also identified as a factor that can 'exacerbate the aggressiveness'²⁹ in the workplace. Many participants also highlighted a number of physical and psychosocial safety risks that arise in these workplaces.

(b) Understanding bullying, sexual harassment and sexual assault in Commonwealth parliamentary workplaces

Capturing the prevalence, nature and impacts of bullying, sexual harassment and sexual assault is important to shaping necessary reform. One of the main ways in which the Commission collected primary data about prevalence was through an anonymous online survey (Review Survey), with responses received from almost a quarter (23%) of all people currently working in CPWs. Some key data points are featured below.

Experiences of bullying, sexual harassment and sexual assault

Of people currently working in CPWs, 37% have experienced some form of bullying while working there.

Frequently, like at least every week, the advice was go and cry in the toilet so that nobody can see you, because that's what it's like up here.³⁰

One in three (33%) people currently working in CPWs have experienced some form of sexual harassment while working there.

Aspiring male politicians who thought nothing of, in one case, picking you up, kissing you on the lips, lifting you up, touching you, pats on the bottom, comments about appearance, you know, the usual ... the culture allowed it.³¹

Survey results indicate around 1% of people have experienced some form of actual or attempted sexual assault in CPWs, noting that this is an indicative estimate based on a small number of respondents. Survey respondents were not asked to describe the nature of their experience, but people shared their experiences in submissions and interviews, indicating they had experienced rape and attempted rape and indecent assault.

[T]he MP sitting beside me leaned over. Also thinking he wanted to tell me something, I leaned in. He grabbed me and stuck his tongue down my throat. The others all laughed. It was revolting and humiliating.³²

Over half (51%) of all people currently in CPWs have experienced at least one incident of bullying, sexual harassment or actual or attempted sexual assault in a CPW. Overall, over three-quarters of people (77%) currently working in these workplaces have experienced, witnessed or heard about bullying, sexual harassment and/or actual or attempted sexual assault in CPWs.

The level of sexual harassment in CPWs is consistent with the national average of 33% from the 2018 *National Survey on Sexual Harassment in Australian Workplaces* (2018 National Survey).³³ However, there are some key differences between the two surveys, including that only current workers completed the Review Survey. This means the statistics in this Report reflect the experience of people who were bullied, sexually harassed and/or sexually assaulted in a CPW and still work in these workplaces, whereas the National Survey captured all experiences over the five years prior to the survey.

People who experience bullying, sexual harassment and sexual assault

The demographic breakdown of people who experienced misconduct shows that some groups are more vulnerable to bullying, sexual harassment and sexual assault in CPWs.

- Women in CPWs experienced sexual harassment at a higher rate (40%) compared with men (26%).
- Women in CPWs have experienced bullying at a higher rate (42%), compared with men (32%).
- Women experienced both bullying and sexual harassment at a higher rate (24%) compared with men (14%), with actual or attempted sexual assault also typically experienced by women.
- More female parliamentarians (63%) have experienced sexual harassment, compared with male parliamentarians (24%) and the national average for women (39%).³⁴
- MOP(S) Act employees experienced the highest levels of bullying and actual or attempted sexual assault in CPWs, and relatively high levels of sexual harassment.
- People who identify as LGBTIQ+ experienced sexual harassment at a higher rate (53%) than people who identify as heterosexual (31%) or who preferred not to say (29%).

People responsible for bullying and sexual harassment

The Review Survey results indicate that people who bullied or sexually harassed people in CPWs were predominantly in a more powerful position than the person experiencing the behaviour. Over half (53%) of people in CPWs who have experienced sexual harassment and over three-quarters (78%) of people who have experienced bullying disclosed that their most recent experience of harassment or bullying by a single perpetrator was by someone more senior.

Sexual harassment was more frequently perpetrated by one harasser, whereas bullying can be perpetrated by multiple bullies. Men were more likely to perpetrate sexual harassment, while women were more likely to bully.

People who bully or sexually harass people in CPWs were likely to perpetrate these behaviours with multiple victims. For example, 66% of people who have experienced bullying and 28% of people who have experienced sexual harassment said that the individual who bullied or harassed them had done the same thing to someone else.

Impacts and reporting

Regardless of their role, participants noted that their experiences of bullying, sexual harassment and/or sexual assault had an impact on their mental and physical health; their confidence and ability to do their job; and their future career prospects, including their ability to get a reference. These experiences also caused significant distress and shame.³⁵ One participant told the Commission about the impact on people they knew:

One tried to commit suicide, another admitted themselves into a mental facility. I know three women [who worked in CPWs] that are still seeing psychologists. One had a marriage breakdown, and one has completely dislocated with her children as a result of the direct influence of that Member of Parliament ... I will never work in a political office again, it's not worth it.³⁶

Some people described feeling that the only options were to tolerate the misconduct or leave, rather than expecting that the misconduct could be addressed. Many also described the negative personal and career consequences that they experienced as a result of making a complaint.

Overall, only half (50%) of people in CPWs knew how to make a report or complaint about bullying, sexual harassment or sexual assault.

The Commission consistently heard from participants throughout the Review that there is considerable hesitancy and fear about making a complaint or report. The Review Survey results indicate that only 11% of people who experienced sexual harassment and 32% of people who experienced bullying in a CPW reported their experience. Most people who experienced bullying did not report it because they thought that things would not change or that nothing would be done (55%), or because they thought it would damage their reputation or career (47%). Most people who experienced sexual harassment did not report it because they did not think that it was serious enough (55%) or that people would think they were over-reacting (43%).

The Commission heard overwhelmingly that there are rarely any consequences as a result of making a complaint about bullying, sexual harassment or sexual assault for the person who bullied, harassed or assaulted them, or more broadly.

From the get-go there's no incentive to actually report because it's not going to change it and it's probably actually going to make it worse.³⁷

1.6 Framework for Action

The challenge of effectively preventing and responding to bullying, sexual harassment and sexual assault in these workplaces is significant. The problem is not, however, inevitable, or intractable. There is momentum for change and the proposed Framework for Action in this Report sets out a clear path to ensure that CPWs are safe and respectful, uphold the standing of the Parliament and are a worthy reflection of the community that they serve.

Based on the specific risk factors and underlying drivers, the Commission proposes five key shifts that can transition CPWs to a safer and more respectful work environments.

The recommendations in the Framework for Action are mutually reinforcing and complementary and therefore should not be cherry picked. The Commission recommends implementing all five shifts in a phased way over a two-year period, giving priority to progressing actions to develop new standards, policies and processes while new structures are being established.

(a) Leadership

Principle 1: Leadership

Outcome: Leaders prioritise a safe and respectful culture, set clear expectations and model safe and respectful behaviour.

The Review highlighted the crucial role of leadership in building and maintaining safe, diverse and inclusive workplaces. While some participants described their employing parliamentarian as modelling a positive workplace culture, others identified leaders as lacking essential people-leadership skills at best; and ignoring, encouraging, or personally engaging in misconduct at worst.

Through the implementation of the recommendations below, CPWs will shift to a future state where there is strong institutional and individual leadership across all CPWs to foster safe, diverse and inclusive workplaces and shared accountability for change.

Statement of Acknowledgement

The Commission recommends that leaders within the Parliament deliver a Statement of Acknowledgement to the Parliament that publicly acknowledges experiences of bullying, sexual harassment and sexual assault in CPWs; the impact of the misconduct on individuals; and the lack of action taken in the past. The statement should outline the institutional leadership commitment to change, with shared accountability for progress.

An acknowledgement of the impact of misconduct is important for validating the experience of individuals who have been subject to harm under the watch of leaders in CPWs. Further, an acknowledgement can start to restore the trust between individuals who have experienced misconduct and CPWs. It would be an important demonstration by leaders in these workplaces that they acknowledge the experiences, recent and past, and are committed to working together to ensure CPWs are safe and respectful.

Recommendation 1: Statement of Acknowledgement

The Presiding Officers should convene party leaders and the heads of the parliamentary departments to come together, agree and deliver a joint Statement of Acknowledgement to the Parliament. This Statement should acknowledge the harm caused by bullying, sexual harassment, and sexual assault in Commonwealth parliamentary workplaces and a commitment to action and shared accountability.

Recommendation 2: Institutional leadership

To demonstrate institutional leadership to ensure safe and respectful Commonwealth parliamentary workplaces, the Houses of Parliament should:

- (a) establish a leadership taskforce, with oversight by the Presiding Officers, chaired by an independent expert and supported by an Implementation Group, to oversee the implementation of the recommendations made in this Report. It should have the following responsibilities:
 - i. developing and communicating an implementation plan with specific timeframes
 - ii. defining and communicating common values which can drive cultural change across parliamentary workplaces
 - iii. preparing an annual public report of progress made in the implementation of recommendations
 - iv. tracking, on a quarterly basis, key measures of a safe and respectful work environment to monitor progress in implementation.
- (b) convene an annual parliamentary discussion in both Houses of Parliament for office-holders, parliamentary party leaders and parliamentarians to share progress on the implementation of recommendations.

Recommendation 3: External independent review of progress

The Australian Government should establish a follow up external independent review to examine the implementation of recommendations made in this Report within 18 months of its tabling in the Parliament.

Recommendation 4: Individual leadership

To strengthen individual leadership to ensure a safe and respectful work environment:

- (a) parliamentarians and senior Members of Parliament (Staff) Act employees, including chiefs of staff, should:
 - i. engage in regular discussions to set expectations of conduct and champion the Codes of Conduct
 - ii. create a safe reporting culture, including supporting people who experience misconduct
 - iii. take responsibility for discharging work health and safety obligations
 - iv. attend training on respectful workplace behaviour, people management and inclusive leadership
 - v. support employees to attend relevant training
- (b) office-holders, parliamentary party leaders and leaders of parliamentary departments should:
 - i. engage in regular discussions to set expectations of conduct, champion the Codes of Conduct and create a safe reporting culture
 - ii. demonstrate and reinforce the message that those individuals who engage in misconduct will not be protected, rewarded or promoted
- (c) parliamentarians, party leaders and office-holders should report annually to the Parliament on the actions that they have taken to ensure a safe and respectful work environment.

(b) Diversity, equality and inclusion

Principle 2: Diversity, equality and inclusion

Outcome: Commonwealth parliamentary workplaces are diverse and inclusive and everyone experiences respectful behaviour as the baseline standard.

The Commission heard that women are under-represented in decision-making roles and that there is a lack of broader diversity across CPWs. This lack of diversity contributes to a 'boys club' culture and bullying, sexual harassment and sexual assault. It also means that CPWs are not representative of the community that they aim to serve.

Through the implementation of the recommended interventions below, CPWs will shift to a future state where the Parliament attracts and retains people who reflect the full diversity of the community and everyone contributes to robust and inclusive decision-making and a vibrant democracy.

Targets to achieve gender balance among parliamentarians

As part of a 10-year strategy designed to advance gender equality, diversity and inclusion, the Commission recommends targets to achieve gender balance among parliamentarians. The Commission also recommends specific measures to support the achievement of the targets. Targets would be accompanied by an annual public report of diversity characteristics among parliamentarians, by party.

Target-setting is increasingly common across public and private sector organisations to accelerate progress towards gender balance. Targets that set aspirations, together with regular measurement and public reporting, drive change by focusing attention, informing strategies and the allocation of resources.

Recommendation 5: Diversity among parliamentarians

To advance gender equality, diversity and inclusion among parliamentarians, parliamentary party leaders should lead and champion a 10-year strategy which includes the following elements:

- (a) targets to achieve gender balance and specific actions to support the achievement of the targets
 - (b) specific actions to achieve gender balance and diverse representation across all parliamentary roles and portfolios
 - (c) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.
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**Recommendation 6:
Diversity among Members of Parliament (Staff) Act employees**

To advance gender equality, diversity and inclusion among Members of Parliament (Staff) Act employees, parliamentary party leaders should lead and champion a 10-year strategy that includes the following elements:

- (a) specific actions to increase gender balance and diverse representation among Members of Parliament (Staff) Act employees, with a focus on senior roles
- (b) specific actions to increase the representation of First Nations people, people from CALD backgrounds, people with disability, and LGBTIQ+ people.

**Recommendation 7:
Measurement and public reporting**

The Office of Parliamentary Staffing and Culture (see Recommendation 11), together with the Department of the Senate and Department of the House of Representatives, should table an annual report to the Parliament with the following information:

- (a) diversity characteristics of parliamentarians, including by party affiliation (where applicable), and gender representation across specific roles such as office-holders, ministerial portfolios and committee roles (Department of the Senate and Department of the House of Representatives)
- (b) diversity characteristics of Members of Parliament (Staff) Act employees, including analysis by party affiliation (where applicable), role, classification and pay scale (Office of Parliamentary Staffing and Culture).

**Recommendation 8:
Diversity and inclusion in the parliamentary departments**

Leaders of the parliamentary departments should advance gender equality, diversity and inclusion within parliamentary departments by:

- (a) adopting specific actions to increase gender balance and diversity in leadership roles
- (b) collecting and publicly reporting on workforce composition and leadership by diversity characteristics.

**Recommendation 9:
Access and inclusion**

The Presiding Officers, together with party leaders and parliamentary departments, should review the physical infrastructure, policies and practices within Commonwealth parliamentary workplaces to increase accessibility and inclusion.

**Recommendation 10:
Everyday respect in the parliamentary chambers**

The Presiding Officers should review the Standing Orders and unwritten parliamentary conventions, including their application in practice, with a view to:

- (a) eliminating language, behaviour and practices that are sexist or otherwise exclusionary and discriminatory
- (b) improving safety and respect in the parliamentary chambers.

(c) Systems to support performance

Principle 3: Performance

Outcome: People working in CPWs are clear about their roles and responsibilities and consistent and standardised systems, processes and advice exist to support performance.

Employment arrangements for the staff of parliamentarians are dispersed and create 227 separate employment relationships. As a result, the Commission found that human resources systems to support parliamentarians and MOP(S) Act employees are currently fragmented, unclear and inadequate, with few standardised policies and processes, including to prevent and manage misconduct. There is also an absence of clear expectations or guidance for parliamentarians and their staff, including around recruitment, induction, performance management and termination.

Through the implementation of the recommendations below, CPWs will shift to a future state where parliamentarians are supported by a professionalised and high-performing workforce and where there is clarity around employment arrangements, expectations and good employment practices.

Office of Parliamentarian Staffing and Culture

The Commission recommends the establishment of a new Office of Parliamentarian Staffing and Culture (OPSC) which would support parliamentarians and their staff by providing centralised human resources support with a focus on policy development, training, advice and support and education.

The Commission proposes that the OPSC be an independent and non-partisan institution similarly structured to the Parliamentary Budget Office. The OPSC would be accountable to the Parliament, and will have an authorising environment that enables enforcement of standards through the proposed Independent Parliamentary Standards Commission, referred to below. The OPSC would be physically located in Parliament House; be headed by a statutory officer, with legislative provision made for the employment of staff; and it would report de-identified data annually to the Presiding Officers. Issues of misconduct and non-compliance would be referred to the Independent Parliamentary Standards Commission.

The OPSC would drive cultural transformation by providing support to parliamentarians and professionalising the workforce through standardised policies, processes and programs in relation to recruitment, induction, performance management, professional development and career pathways. The OPSC would also deliver best practice, mandatory respectful workplace behaviour training and people management training.

Recommendation 11: Office of Parliamentarian Staffing and Culture

The Australian Government should establish an Office of Parliamentarian Staffing and Culture, within 12 months, to provide human resources support to parliamentarians and Members of Parliament (Staff) Act employees that is:

- (a) centralised and accountable to Parliament, with the enforcement of standards
- (b) designed to provide human resources support and administrative functions in the areas of policy development, training, advice and support, and education.

Recommendation 12: Professionalising management practices for Members of Parliament (Staff) Act employees

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should establish standards and processes to professionalise management practices for Members of Parliament (Staff) Act employees with the following priorities to foster a safe and respectful work environment:

- (a) guidance on office composition and staffing
- (b) merit-based recruitment with a focus on improving diversity
- (c) standardised induction for parliamentarians and Members of Parliament (Staff) Act employees to establish role clarity and expectations
- (d) performance management systems
- (e) management of misconduct
- (f) best practice respectful workplace behaviour policies that include referral pathways to the Independent Parliamentary Standards Commission.

Recommendation 13: Professional development for Members of Parliament (Staff) Act employees

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop a professional development program for Members of Parliament (Staff) Act employees including a:

- (a) framework of skills, competencies and capabilities linked to career pathways
- (b) structured learning and development program and informal and formal skills development opportunities.

Recommendation 14: Best practice training

To ensure that people working in Commonwealth parliamentary workplaces have the requisite knowledge and skills to prevent and respond to misconduct:

- (a) the Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop and deliver mandatory best practice training for parliamentarians and Members of Parliament (Staff) Act employees, to be conducted during induction and annually on:
 - i. respectful workplace behaviour
 - ii. relevant Codes of Conduct

- (b) the Office of Parliamentarian Staffing and Culture (see Recommendation 11) should develop and deliver best practice people management and inclusive leadership training for parliamentarians and senior Members of Parliament (Staff) Act employees
- (c) the parliamentary departments should review and implement mandatory best practice respectful workplace behaviour training.
- (c) parliamentarians confirm in writing whether they will accept and implement any Rectification Advice
- (d) if a parliamentarian confirms that they will not accept and implement the Rectification Advice, or does not respond to the Rectification Advice, the Office of Parliamentarian Staffing and Culture should notify the relevant Presiding Officer and make a record of this.

**Recommendation 15:
Guidance material in relation to termination of employment for Members of Parliament (Staff) Act employees**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should create and communicate new guidance materials and processes in relation to termination of employment for Members of Parliament (Staff) Act employees. These should reflect the requirements of applicable legislation, including the *Fair Work Act 2009* (Cth), and address the:

- (a) laws that apply to the termination of employment of Members of Parliament (Staff) Act employees
- (b) key categories of circumstances in, or reasons for, which Members of Parliament (Staff) Act employees may be dismissed, with specific guidance on when it may be lawful and appropriate to dismiss an employee based on 'loss of trust or confidence'
- (c) practical steps and processes that should be followed when effecting different categories of dismissals, in order to meet applicable legal requirements.

**Recommendation 16:
Fair termination of employment process for Members of Parliament (Staff) Act employees**

The Office of Parliamentarian Staffing and Culture (see Recommendation 11) should support parliamentarians to meet their legal obligations in relation to the termination of Members of Parliament (Staff) Act employees, by introducing the following process:

- (a) parliamentarians inform the Office of Parliamentarian Staffing and Culture promptly in writing or orally of any proposed dismissal before it is effected
- (b) the Office of Parliamentarian Staffing and Culture advises parliamentarians whether the proposed dismissal satisfies legal requirements, or identifies any deficiencies, and how to rectify these (Rectification Advice)

**Recommendation 17:
Legislative amendments to
Members of Parliament (Staff) Act 1984 (Cth)**

The Australian Government should ensure that the *Members of Parliament (Staff) Act 1984* (Cth) is amended as follows:

- (a) sections 16(3) and 23(2) be amended to include that the written notice of termination must specify the reasons relied upon for making the termination decision.
- (b) for the avoidance of doubt and without limiting the application of other applicable laws, contracts or instruments, clarifying at the least, that a termination of employment under section 16(3) or section 23(2) is subject to and must comply with the requirements and provisions of:
 - i. the *Fair Work Act 2009* (Cth) including, but not limited to, the general protections provisions set out in Part 3-1 and the unfair dismissal provisions set out in Part 3-2
 - ii. relevant anti-discrimination legislation
 - iii. the employee's contract of employment
- (c) clarify that, for the avoidance of doubt, the *Work Health and Safety Act 2011* (Cth) applies to a Member, Senator or officer in their capacity as employers of staff under the *Members of Parliament (Staff) Act 1984* (Cth).

**Recommendation 18:
Comprehensive review of the *Members of Parliament (Staff) Act 1984* (Cth)**

The Australian Government should undertake a comprehensive review of the operation and effectiveness of the *Members of Parliament (Staff) Act 1984* (Cth) to ensure consistency with modern employment frameworks.

**Recommendation 19:
Monitoring, evaluation and continuous improvement**

The Office of Parliamentarian Staffing and Culture, together with the Implementation Group (see Recommendation 2), should develop a shared monitoring and evaluation framework across Commonwealth parliamentary workplaces. This framework should ensure regular measurement and public reporting on key indicators to monitor progress in the prevention of and responses to bullying, sexual harassment and sexual assault.

(d) Standards, reporting and accountability

Principle 4: Accountability

Outcome: Clear and consistent standards of behaviour are in place; it is safe to make a report; complaints are addressed; and people are held accountable, including through visible consequences for misconduct.

The absence of clear and consistent standards of conduct, particularly for parliamentarians, was highlighted as a major concern by Review participants. The Commission heard that reporting processes were opaque and ineffective, with employees perceiving the risks of reporting as outweighing the benefits.

Best practice demonstrates that clear and consistent standards of conduct, and consequences for misconduct, are key elements in driving a safe and respectful workplace. The absence of these mechanisms makes the Australian Parliament out of step with developments in other parliamentary contexts and with the most basic standards in other Australian workplaces.

Through the implementation of these recommendations, CPWs will shift to a future state where common standards of conduct are clear, where people are empowered to come forward and make reports, and there are visible consequences for misconduct.

Codes of Conduct

To address gaps in the current framework, the Commission recommends the Houses of Parliament establish a Code of Conduct for Parliamentarians and a Code of Conduct for Parliamentarians' Staff. As a minimum, the Codes should address current legal requirements that prohibit bullying, sexual harassment, sexual assault and workplace discrimination. Consideration should also be given to addressing other factors that influence a safe and respectful workplace. A breach of a Code of Conduct should be capable of being treated by the relevant House as a contempt.

In addition, the Commission recommends that the Houses of Parliament establish common Standards of Conduct for the Parliamentary Precincts. The Standards should outline the responsibilities that all parliamentarians, staff, contractors, interns and volunteers, members of the Press Gallery and visitors have in making the Parliamentary precincts safe and respectful. The Standards should align with relevant standards within the Codes of Conduct.

The Independent Parliamentary Standards Commission (IPSC)

The Commission recommends the establishment of the IPSC to ensure that there are independent and consistent responses to reports and complaints of bullying, sexual harassment and sexual assault in CPWs. The model has been designed to address the specific needs of CPWs and would operate within the powers and privileges of the Houses of Parliament.

With delegated power, the IPSC would, among other things, operate a fair, independent, confidential and transparent system to receive disclosures, handle informal and formal complaints.

By incorporating an expanded Parliamentary Workplace Support Service, the IPSC will provide all CPW participants with a central touchpoint for information, advice, wrap-around support, and referrals, provided through case management. The IPSC will provide reporting pathways (including anonymous reporting) and will accept historic complaints of misconduct and those relating to people who have left the workplace.

The IPSC will enforce the Codes of Conduct, including making findings about misconduct and recommendations about sanctions. The role of the IPSC would include making decisions about sanctions when there has been misconduct by parliamentarians, where the sanctions would not interfere with the conduct of the Parliament. For more serious sanctions, the IPSC could make a recommendation directly to the relevant House of Parliament. The IPSC would also provide a pathway for a decision to be appealed to a panel of Commissioners.

The OPSC and IPSC would work in complementary ways but are separated to ensure that there is no connection between human resources advice and decision-making and the complaints, investigations and sanctions process. At its simplest, the OPSC would provide the 'people and culture' function, including policies, advice and guidance, while the IPSC would provide the accountability and enforcement function for non-compliance and misconduct (equivalent to an internal workplace disciplinary process).

Recommendation 20: Expansion of the Parliamentary Workplace Support Service

The Australian Government should expand, within three months, the scope of the new Parliamentary Workplace Support Service to:

- (a) make it available to all Commonwealth parliamentary workplace participants
- (b) include all allegations of bullying, sexual harassment and sexual assault
- (c) establish a clear pathway for anonymous reporting, including through a digital platform
- (d) publish additional information on what happens with anonymous and bystander disclosures
- (e) include historic complaints of bullying, sexual harassment and sexual assault and those relating to people who have left the workplace.

Recommendation 21: Codes of Conduct

To establish clear and consistent standards of conduct:

- (a) the Houses of Parliament should:
 - i. establish a Joint Standing Committee on Parliamentary Standards, within six months, to oversee standards and accountability, including developing:
 - i. a draft Code of Conduct for Parliamentarians
 - ii. a draft Code of Conduct for Parliamentarians' Staff
 - iii. draft Standards of Conduct for the Parliamentary Precincts
 - ii. adopt a Code of Conduct for Parliamentarians, within 12 months, in the Standing Orders of both Houses of Parliament
 - iii. adopt Standards of Conduct for the Parliamentary Precincts, within 12 months, in the Standing Orders of both Houses of Parliament
 - (b) The Australian Government should ensure that, within 12 months, the Code of Conduct for Parliamentarians' Staff is included in the *Members of Parliament (Staff) Act 1984* (Cth).
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**Recommendation 22:
Independent Parliamentary Standards Commission**

The Houses of Parliament should establish, within 12 months, an Independent Parliamentary Standards Commission with delegated power that would:

- (a) incorporate the new Parliamentary Workplace Support Service, including its advisory and support functions (and applying more broadly to misconduct covered by the Codes of Conduct)
- (b) operate a fair, independent, confidential and transparent system to receive disclosures, as well as handle informal and formal complaints and appeals about misconduct
- (c) make findings about misconduct
- (d) make recommendations on sanctions (in relation to parliamentarians, staff and others as relevant under the Standards of Conduct in the Parliamentary Precincts)
- (e) apply sanctions for a breach of the Code of Conduct for Parliamentarians where such sanctions do not interfere with the functions of the Parliament.

**Recommendation 23:
Extend public interest disclosure protections to Members of Parliament (Staff) Act employees**

The Australian Government should, within 12 months, ensure that the *Public Interest Disclosure Act 2013* (Cth) is amended to extend protections to people employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

**Recommendation 24:
Ensure protections against age and disability discrimination**

The Australian Government, in line with recent amendments to the *Sex Discrimination Act 1984* (Cth), should ensure that the *Age Discrimination Act 2004* (Cth) and *Disability Discrimination Act 1992* (Cth) are amended to clarify that the laws apply to staff and consultants employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth).

(e) Safety and wellbeing

Principle 5: Safety and wellbeing

Outcome: People are physically and psychologically well and feel safe and supported in Commonwealth parliamentary workplaces.

Throughout the Review, the Commission heard about the high pressure and 'win at all costs' work environment in CPWs and its significant impact on people's safety and wellbeing. Participants also identified a range of factors that create both physical and psychosocial risks, such as a 'work hard, play hard' culture, with high levels of stress, long and irregular hours, extensive travel and regular alcohol use.

Through the implementation of these recommendations, CPWs will shift to a future state where a proactive and preventative approach is taken to wellbeing and safety that puts people at the centre.

New Parliamentary Health and Wellbeing Service

The Commission recommends the establishment of a new Parliamentary Health and Wellbeing Service. This type of service would align with emerging and best practice initiatives in large public sector and corporate organisations. The new Service should be established following a feasibility study and build upon but expand the existing health services in CPWs. In addition to providing medical and psychological care, the Service would play a proactive and preventative role in promoting wellbeing.

**Recommendation 25:
Work health and safety obligations**

The Implementation Group (see Recommendation 2) should work collaboratively to:

- (a) develop, agree, and document an intra-parliamentary understanding of the application of, and responsibility for management of, work health and safety duties in Commonwealth parliamentary workplaces.
- (b) review existing arrangements and consider ways to:
 - i. ensure consistent approaches to identify, eliminate, minimise and communicate about work health and safety risks across these workplaces
 - ii. take a broader and proactive approach to work health and safety responsibilities, including an increased focus on psychosocial risks
 - iii. directly and effectively address bullying, sexual harassment and sexual assault as work health and safety issues
- (c) provide guidance, education and training on work health and safety obligations and duties in the context of bullying, sexual harassment and sexual assault.

**Recommendation 26:
Parliamentary Health and Wellbeing Service**

The Department of Parliamentary Services should lead the establishment of a Parliamentary Health and Wellbeing Service. At a minimum, the Service should be adequately resourced to:

- (a) provide basic physical and mental health services
- (b) be available to all people in Commonwealth parliamentary workplaces
- (c) offer services onsite at Parliament House, as well as remotely, with appropriate privacy and confidentiality measures in place
- (d) be operated by trusted and independent practitioners with knowledge and understanding of these specific workplaces
- (e) proactively promote wellbeing and early intervention support.

**Recommendation 27:
Review of Parliamentary sitting calendar and Order/Routine of Business**

The Procedure Committees of the House of Representatives and the Senate should review the Parliamentary sitting calendar and the Order/Routine of Business with a view to enhancing wellbeing, balance and flexibility for parliamentarians and workers in Commonwealth parliamentary workplaces.

**Recommendation 28:
Alcohol policies**

The Implementation Group (see Recommendation 2) should:

- (a) develop and implement consistent and comprehensive alcohol policies across Commonwealth parliamentary workplaces with a view to restricting availability in line with work health and safety obligations, and the principle of harm minimisation
- (b) support implementation of these policies through measures including:
 - i. incorporating clear expectations and standards around the use of alcohol within respective Codes of Conduct for parliamentarians and Members of Parliament (Staff) Act employees
 - ii. provision of support and a proactive focus on wellbeing and safety
 - iii. provision of education, training and awareness raising opportunities
 - iv. provision and encouragement of opportunities for networking and engagement that do not involve alcohol.

1.7 Conclusion

The Commission is privileged to have been trusted with the experiences and insights of the many individuals who chose to participate in the Review. The people who work in CPWs are driven by a strong commitment to public service that serves the national interest. They are also deeply invested in the potential for change in their workplace, with their contributions providing the basis for the Commission's Framework for Action.

Participants in the Review highlighted the urgency for change, as well as the need for long-term cultural transformation. The Framework for Action in this Report provides a substantial program of reform which requires planning, coordination and a sustained focus to achieve full implementation. Strong leadership will be critical to success. Accordingly, the Commission proposes a structure to oversee this implementation and a phased timeframe in which it can be achieved. This is to support steps which will take some development and identify those which can be implemented to drive impact in the short term.

All leaders in the Parliament now have access to the collective voice of the current and past workforces, sharing experiences and insights that the Commission was told would never be shared in any other context. This is a firm basis for an historic legacy this parliament can leave, creating stronger parliamentary workplaces for the future.