



July 26, 2021

Ms Kate Jenkins
Sex Discrimination Commissioner
Australian Human Rights Commission
Email: CPWReview@humanrights.gov.au

Dear Ms Jenkins

Re: Independent Review into Commonwealth Parliamentary Workplaces

As an organisation with 25 years' experience in supporting ALP women to get elected to the Federal and State/Territory parliaments of Australia, we, Emily's List Australia (ELA), are extremely grateful for the opportunity to make a submission to this critical review. Many members of ELA are past and current Federal Members of Parliament, and many more have worked as members of staff within Parliament House and in electoral offices. This submission does not represent our members' direct experiences, past or current, as those narratives are being contributed through other submissions. Our recommendations concern what we believe needs to occur to create a safe workplace where all staff are respected. It is based on our collective experience of the optimal ways to support women into Parliament and how best to support them once elected. This is informed in large part by the experiences of women who have served in the Federal Parliament.

This submission is being made by ELA as an expert organisation.

About EMILY's List Australia

ELA is a financial, political and personal support network for progressive Labor women candidates. It is the only network of its kind in Australian politics. EMILY is an acronym which stands for Early Money Is Like Yeast (it makes the dough rise). Early campaign money is often vital for a candidate heading into election. Since its inception in 1996, ELA has:

- Supported 284 women in Australian parliaments at both a federal and state/territory level and supported an additional 293 women who were unsuccessful.
- Built a national feminist political support network.
- Supported the election of Julia Gillard as Australia's first woman Prime Minister
- Supported the election of Anna Bligh and Lara Giddings as Queensland and Tasmania's first women Premiers
- Assisted Carol Martin in 2001 to become the first Indigenous woman to be elected to any Australian Parliament and, since then, several other Indigenous women to be elected, including Australia's first Indigenous woman Senator Nova Peris, the first in the House of Representatives Linda Burney, and Leanne Enoch, the first Indigenous woman elected in the Queensland Parliament
- Worked with the West Australian, Victorian, New South Wales, Tasmanian, Queensland and South Australian MPs to decriminalise abortion
- Generated more than \$7.26 million to assist candidates and ensure a pipeline of progressive Labor women
- Commissioned gender gap research into the ways governments can meet the needs of women
- Established the Joan Kirner Gender Gap Research Fund in accordance with her requested legacy
- Initiated the Julia Gillard Next Generation Internship in partnership with the former Prime Minister, Julia Gillard AC.

ELA is an independent, national organisation with volunteer action groups in each State and Territory. Through memberships, fundraising events and merchandise sales, we **raise money** to allocate to endorsed candidates to kick-start their campaigns. Candidates' profiles are prepared and provided to ELA members and supporters to make donations to the candidates of their choice.

ELA is recognised as a national leader in **political mentoring**. Supported ELA candidates in all state/territory and federal elections are matched with mentors from similar backgrounds- for example, rural candidates are often linked to mentors who had campaigned in rural electorates. An ELA guide to mentoring, developed by national committee member Leonie Morgan AM, is provided to all mentors and mentees.

All ELA mentors – many of whom are sitting or former MPs – have strong campaign experience and are in constant contact with candidates both prior to and during an election campaign, providing advice and support.

Candidates gain access to **training** workshops conducted by women who have amassed decades of political experience, as well as recently elected MPs. Aspects of this training are also available to members and organisations as professional development.

Training typically encompasses:

- Campaigning as a woman
- Managing the media (including social media)
- Public speaking – getting your voice heard
- Understanding government and lobbying
- Progressive debate framing
- Understanding the ALP
- Friend and Fundraising
- Winning the Women's Vote
- Winning the Women's Debate
- Real action for Gender Equality.

A campaign manual containing practical information on campaigning methods and campaigning as a woman is provided to all endorsed candidates. Where it is conducted, gender gap research, detailing the identified needs of women in marginal seats, is also provided to candidates, as well as local and national ALP leaders. Following the election, candidates receive support in the form of *Now you are an MP* or *So What's Next* manuals.

At the same time as founding EMILY's List, members also worked on changing the culture of the ALP and were integral to the ALP introducing **affirmative action (AA)** into its national platform in 1994. The AA targets assisted in increasing the proportion of Labor women federally from 14.5% in 1994 to 48% in 2020. In July 2015, ELA and the National Labor Women's Network succeeded in campaigning to change the ALP's affirmative action rule to ensure 50% female representation by 2025.

Women in the Australian Labor Party now make up:

- 50% of the federal leadership team, 50% of the Albanese Shadow Cabinet and 48% of the Caucus
- 50% of the Victorian Andrews Cabinet and 49% of the VIC Caucus
- 46% of the New South Wales Minns Shadow Cabinet and 42% of the NSW Caucus
- 44% of the Queensland Palaszczuk Cabinet and 40% of the QLD Caucus
- 67% of the Tasmanian White Shadow Cabinet and 77% of the TAS Caucus
- 67% of the Northern Territory Gunner Cabinet and 50% of the NT Caucus
- 50% of the Labor members in the ACT Barr Cabinet and 60% of the ACT Caucus
- 29% of the West Australian McGowan Cabinet and 51% of the WA Caucus
- 50% of the South Australian Malinauskas Shadow Cabinet and 41% of the SA Caucus.

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Experience informs the change needed to create a safe workplace for women where they can thrive.

There is no doubt that the current environment of Parliament House in Canberra is a toxic and abusive workplace for many women. This extends beyond the physical building walls into the MPs electorates and across social media. Women MPs, candidates, staffers and volunteers experience gendered abuse and misogyny in line with that experienced within the broader community but have few of the same protections and recourse. This encompasses seemingly benign attempts to make personal contact external to their roles all the way through to abusive sexualised threats of physical attack. Our member MPs and endorsed candidates all report varying levels of abuse, in person and online, and we continue to develop strategies to help our members deal with this misogynistic behaviour.

In Australia, sexist behaviour has long been tolerated in politics. The male-dominated culture within the Australian Parliament has protected those who harass or intimidate female parliamentarians and staffers (Collier and Raney, 2018). Anecdotal accounts indicate that the prevalence of political violence is growing rapidly, as threats and aggression towards women in politics is spreading throughout the community. However, there is little research measuring the effect of political violence against women in Australia. There is need for greater understanding of the extent of abuse, especially on social media platforms, and the barriers it creates for women in entering politics, and the opportunities for change.

We believe this broader community disrespect of women in politics, whether as elected MPs or staffers, interns and volunteers, is focussed and further exaggerated within the atypical workplace of Parliament House. The behaviours experienced and tolerated for such a long time by women has become normalised by their male colleagues. This year, women have started calling out this behaviour in unison as completely unacceptable and intolerable. Women are now speaking out, from former Prime Minister, Julia Gillard's famous 'Misogyny Speech' to the #MeToo movement, former politicians and staffers have bravely told their stories of abuse, harassment and rape that have confronted Australians with the reality of a place that is expected to be held to the highest standards but in fact, completely fails women.

This submission does not recount the individual stories and experiences of our members, but it is on this background that the work of ELA has been founded over 25 years. Countless feedback surveys, training workshops, one on one mentoring and direct counselling of women within the political system inform our recommendations to this Inquiry. It is what we know of the support women need to get elected and what we have learned from our members that informs these recommendations. We strongly advocate for recourse and redress when women are abused and harassed, for changing the culture and the behaviours and attitudes that allow – even encourage - this abuse to occur. We contend that Australia's elected women (as well as their female staff members) should see a future where women are safe and given equal opportunities to succeed in their chosen profession, just as their male colleagues do.

Yours sincerely



Maree Overall, PhD | CEO, EMILY's List Australia

Reference - Understanding Sexism and Sexual Harassment in Politics: A Comparison of Westminster Parliaments in Australia, the United Kingdom, and Canada Cheryl N Collier, Tracey Raney. *Social Politics: International Studies in Gender, State & Society*, Volume 25, Issue 3, Fall 2018, Pages 432–455

Recommendations:

A safe workplace for everyone who works in Parliament House requires the following:

1. A code of conduct for all staff, including MPs, that clearly states expectations, standards and obligations.

Codes of conduct are universal across our workplaces, and this is a clear requirement of any contemporary, respectful workplace. A clear, unambiguous code of conduct will ensure that each person is fully aware of their rights and obligations and therefore know what is expected of them and what behaviour will not be tolerated in the workplace.

2. An accessible complaints procedure by an independent authority that supports any staff member to make a complaint and obtain the support they need.

An independent complaints investigation and action body goes hand in hand with a clear code of conduct. This is particularly important where there is a power imbalance between the complainant and the person being complained about, which is common in Parliament. Further, an independent authority will promote increased accountability for the most senior staff and may serve as a deterrent.

3. An independent human resources department to oversee all employment- related complaints and investigations at first instance.

There is currently no human resources department in Parliament. As with a code of conduct, a human resources department is a requirement to ensure a safe workplace. An independent human resources department will provide support, training and resources for staff more broadly, and those experiencing inappropriate behaviour to contact and seek advice before lodging an official complaint. Mandatory training for all MPs and staff regarding their workplace responsibilities and the complaints handling process.

This recommendation brings Parliament into line with the broader APS and large businesses. While mandatory 'sexual harassment' training appears to be a new addition to Parliament, knowledge of, and access to, information about the Parliamentary complaints handling process is protective. Education is important to ensure the benefits of a code of conduct and formal complaints procedures are utilised properly and to maximum effect. It is currently assumed that MPs will know how to handle complaints of inappropriate conduct, and this has been shown to be a harmful assumption. Education on workplace responsibilities, will reduce unacceptable behaviour and empower women to act if they experience misconduct at work. Ensuring all MPs and staff receive workplace conduct and complaints handling training puts everyone on an equal footing where ignorance is no longer an excuse.

4. Professional support and counselling services are available to all staff and included in the induction process for all new staff members.

Parliamentary staff must have the same support and resources available to them as any other member of the Australian Public Service. This is to ensure that all staff members are aware of the services they can access and will remove any stigma involved in accessing them.

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5. A clear policy on alcohol use within the workplace and a prohibition of alcohol consumption during parliamentary sitting hours.

Alcohol consumption is not a feature of any contemporary Australian workplace and most workplaces do not tolerate consumption of alcohol at work. The Australian Parliament, as a model workplace, should have a very clear policy regarding consumption of alcohol and align with the APS in its treatment of alcohol consumption:

“If an APS employee misuses alcohol or other drugs before, during or after working hours they may be in breach of the Code. This may occur if their performance, the safety of colleagues or the reputation of the APS or their agency is adversely affected.” (3.5.10 of the APS Code of Conduct)

There is clear evidence that alcohol is a risk factor in poor, and criminal, behaviour.¹ ELA recommends that a policy mirroring the APS alcohol policy should be introduced, and strengthened to ensure there is no ambiguity. Given the past behaviour of a number of MPs while intoxicated in the Chamber, it is clear that alcohol has no place in the Australian Parliament, particularly during sitting hours.

6. Review of schedules and procedure of the Parliament to limit the number of working hours and conditions for all staff.

The current sitting hours of Parliament necessitate long and unreasonable work hours for both MPs and staff. This has a number of ramifications, including adversely affecting mental and physical health, and is clearly linked with the consumption of alcohol to cope with increased stress. The operation of Parliament should be substantially changed to promote a better work/life balance and align with community expectations. Issues such as sitting well into the night, meetings outside usual business hours and expectations of MPs that staff work through the night to provide briefings and support must be reviewed.

7. Include Gender Equity workplace reporting on positions and pay across the parliament and political parties.

Parliament should model best practice as an employer, including Gender Equity reporting. The Australian public is entitled to understand the gender breakdown of Parliamentary staff and any gender pay gap that may exist in that place. This is vital to ensuring staff are representative of the broader, diverse Australian community and that glaring disparities in the gender of staff in particular are measured and managed. It is clear, anecdotally, that the majority of senior Parliamentary staff are male and the majority of junior Parliamentary staff are female, but at present there is no data to support this observation. This must be remedied to assist Parliament in eliminating structural and cultural discrimination against women in the workplace.

8. Set gender equity requirements for all parliamentary employment levels, committees and working groups.

Not only does this provide equal access to opportunities between men and women, it also improves the dynamic of the workplace and increases the levels of respect shown by staff to staff,

¹ Monk L, Jones A. Alcohol consumption as a risk factor for sexual assault: a retrospective analysis. J Forensic Leg Med. 2014 Mar;23:55-61. doi: 10.1016/j.jflm.2014.01.015. Epub 2014 Feb 3. PMID: 24661707.

9. Provide opportunities for professional development and networking that include provisions for, and consideration of, staff with caring responsibilities so access is not restricted.

This ensures that the person available for the position is able to take on the position.

A culture of respect and equality of opportunities across all political parties that would improve the conduct within Parliament House could be enhanced by the following:

10. Party specific training and induction of all new MPs and staff, especially in the establishing and running of electorate offices and ministerial offices, management of staff, expectations of roles and conflict resolution.
11. Specific support for new MPs in the first six months in establishing offices, hiring staff, and Human Resource responsibilities.
12. Matching MPs and Ministerial Chiefs of Staff with experienced MPs and former Chiefs of Staff, as mentors who are absolutely independent and committed to the development and support of the mentee.
13. Adopt a Party specific Code of Conduct and complaints process, including disclosures of sexual harassment and assault, that covers all MPs, staff, interns, party members and volunteers who participate in the political process.