



**Equal Opportunity
Tasmania**

Independent Review into Parliamentary practices and procedures to support workplace culture

PROGRESS UPDATE

MARCH 2022

This Progress Update concerns the **Independent Review into Parliamentary practices and procedures to support workplace culture**, of which I was appointed as Independent Reviewer on 27 July 2021.

I extend my thanks to all individuals who have participated in the Review thus far.

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COMMISSIONER'S FOREWORD



The Independent Review into Parliamentary practices and procedures to support workplace culture (the Review) is an important and crucial step forward in ensuring that the Ministerial and Parliamentary Services (MPS) workplace is a safe and respectful one.

The breadth of the Review is to be commended, with discrimination, sexual harassment and bullying all being covered by the Terms of Reference. This approach acknowledges the real lived experience of employees, in that different types of unsafe workplace conduct are often interwoven.

Like other jurisdictions, the Review allows for constructive analysis of the MPS workplace, and subsequent evidence-based recommendations. These recommendations, where implemented, will result in significant changes to working conditions and workplace culture, improved safety in the workplace, clear expectations of conduct, and improvement in the reputation and public perception of the MPS workplace.

Upon my preliminary evaluation of the results of the Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace, it is clear that the Review is validly sought and that MPS employees are engaged and receptive to this process. This is demonstrated by the comparatively high response rate to the Survey and I take this chance to acknowledge the emotional labour of all Review participants who have engaged thus far and provided insights into their experiences in the MPS workplace.

I also acknowledge the support of the Committee, particularly regarding the progression of the *Justice Miscellaneous (Independent Review Amendments) Act 2022* through Parliament, and the endorsement of measures to ensure the Review process upholds principles of safety, confidentiality and consent.

The next steps for the Review are outlined in this Progress Update. Review participants, which, of course, includes Committee members, will be encouraged to provide written submissions and/or participate in interviews. All contributions to the Review are valuable to the findings and recommendations that result from the information provided. The overarching purpose of the Review is to ensure respect, accountability, kindness, inclusivity, physical and emotional safety for all employees.

The final report will be provided to the Committee in July 2022, and will be made available to the public thereafter. I look forward to progressing the next steps of the Review and continuing to engage with MPS staff to create a report that is truly reflective of their experiences, forward-focused and facilitative of change in the MPS workplace.

A handwritten signature in blue ink, which appears to read 'Sarah Bolt'. The signature is fluid and cursive, written on a white background.

Sarah Bolt
Anti-Discrimination Commissioner

17 March 2022

Review background

On 28 July 2021, the Honourable Peter Gutwein MP, Premier of Tasmania, announced¹ my appointment, in my role of Anti-Discrimination Commissioner, to undertake the Independent Review into Parliamentary practices and procedures to support workplace culture (the Review) in line with the Terms of Reference, released that same day.²

The announcement confirmed establishment of a Committee comprising members of both houses of Parliament, the role of which is to support my work in undertaking the Review, and to lead implementation of any accepted recommendations upon completion of the Review.

I make particular reference to the broad endorsement of the Review across party lines. I note that the Review is being conducted impartially and without reference to particular political parties. It is essential that the Tasmanian Ministerial and Parliamentary Services (MPS) workplace is viewed without the lens of party politics for the purposes of this Review.

As per the Terms of Reference, the Review of the MPS workplace is being undertaken to ensure a safe and respectful workplace and reflect best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.

The scope of the Review is unprecedented within Australia, as it includes workplace conduct constituting:

- discrimination;
- sexual harassment; and
- bullying.

In the context of my role as Independent Reviewer, I will not investigate or make findings regarding any individual allegations made which concern workplace discrimination, sexual harassment or bullying.

¹ Peter Gutwein, Premier of Tasmania, *Terms of Reference finalised for independent review into Parliamentary practices and procedures*, 28 July 2021:
www.premier.tas.gov.au/site_resources_2015/additional_releases/terms_of_reference_finalised_for_independent_review_into_parliamentary_practices_and_procedures

² Department of Premier and Cabinet, *Independent Review into Parliamentary practices and procedures to support workplace culture*:
www.dpac.tas.gov.au/independent_review_into_parliamentary_practices_and_procedures_to_support_workplace_culture

Status of the Review

The timeline of the Review has been impacted by unforeseen delays, particularly legislative changes to the *Right to Information Act 2009* and the *Archives Act 1993* via the *Justice Miscellaneous (Independent Review Amendments) Act 2022*.

It is noted that progressing such matters involved jurisdictional analysis and identification of issues in state legislation, seeking legal advice, correspondence to the Committee, decision-making in response, drafting proposed legislative amendments, consultation with stakeholders, and waiting for Parliamentary sittings to recommence in 2022.

While these legislative changes will result in the Review taking longer to complete than anticipated, they were necessary and appropriate changes made to ensure I am able to administer a safe and confidential process for Review participants.

Current work of the Review includes, in summary:

- Requests for information sent to key stakeholders;
- Analysis of survey results and compilation of a draft report;
- Preparation of documentation for opening of submissions (i.e. consent forms, participant information package);
- Forming and drafting internal processes to ensure safety, confidentiality, impartiality, and a trauma-aware approach;
- Preparation of correspondence to the Committee, Review participants and stakeholders, media releases and website updates; and
- Contractual negotiations with an external consultant to assist with next steps of the Review.

Work undertaken thus far includes, but is not limited to:

- Setting of Review methodology, including jurisdictional analysis and meeting with Review staff of the Australian Human Rights Commission;
- Construction of survey, consultation with an independent contractor, and subsequent administration of survey;
- Consultation with key stakeholders in order to confirm scope of Review participants;
- Progression of legislative amendments; and
- Obtaining legal advice on various matters (under 18 participation, right to information, storage and use of personal information, confidentiality etc.).

Methodology

The decision regarding the most appropriate methodological approach to conduct the Review was informed by the approaches used by the Australian Human Rights Commission and the South Australian Equal Opportunity Commission.

I have adopted a mixed method approach to the Review, comprised of the following methodologies:

- A survey;
- Written and verbal submissions;
- Invitations for interviews and/or focus groups; and
- Review of existing policies and procedures and analysis of current workplace practices.

Due to the sensitive nature of the content covered by the Terms of Reference, the methodology selected ensures the Review is conducted ethically and safely by:

- Obtaining informed consent from Review participants prior to participation;
- Minimising the risk of harm to Review participants;
- Protecting the anonymity and confidentiality of Review participants; and
- Giving Review participants the right to withdraw their consent.

The use of quantitative and qualitative research methods will provide a comprehensive base of evidence, enabling me to make recommendations that reflect the current state of the MPS workplace in the final report.

All data and personal information obtained from Review participants is strictly confidential. Information provided throughout the Review may be used in a de-identified form in the final report. This includes quotes, extracts from submissions or other documents.

Methodology cont.

Survey

The Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace was open from 22 November 2021 to 17 December 2021 and was conducted online. Participation was voluntary and no individual will be identifiable from the results.

Survey data has been analysed and will form part of the evidence base used for recommendations contained in the final Review report.

Some key indications observed from the Survey results thus far are included on the following page.

It is important to note that all employees of the MPS Review can provide a written or verbal submission whether they participated in the Survey or otherwise.

Written and verbal submissions

The announcement of the opening of written and verbal submissions will occur in March 2022. Review participants and key stakeholders will be invited to provide submissions.

Review participants will be able to make written and verbal submissions anonymously or otherwise. Submissions received will be assessed to determine whether they fall within the scope of the Terms of Reference.

All submissions will be exempt from the application of the *Right to Information Act 2009* (Tas).

Invitations for interviews and/or focus groups

Review participants will be given the option to participate in an interview. An interview can be differentiated from a verbal submission in that it involves a set of questions relevant to the topic of the interview.

If appropriate, I will establish focus groups to engage people who are less likely to participate in the Review, or who may prefer to do so via a group.

Review of existing policies and procedures and analysis of current workplace practices

I have commenced an audit of existing policies and procedures used within the MPS workplace that fall within the scope of the Terms of Reference. Correspondence has been sent to key stakeholders requesting relevant materials and information.

The audit of existing policies and procedures specifically requests information regarding current workplace practices such as existing human resources support, content of training, access to policies etc.

Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace

Key indications based on preliminary analysis:

Participation rate

The official participation rate is still being finalised, but is comfortably above 50%.

Comparatively, this is an excellent result. In South Australia, the survey response rate was nearly 25%³. Federally, the survey result was 23%.⁴

Diversity

Demographic data obtained thus far indicates a lack of diversity across the MPS workplace.

Internal complaint processes

In relation to satisfaction with internal complaint processes, results indicate general dissatisfaction, with over 80% of participants who made an internal complaint rating dissatisfaction or extreme dissatisfaction.

Discrimination

Where discriminatory conduct is observed, it often occurs in areas where multiple people witness the conduct.

In the vast majority of incidences, no one intervenes.

Sexual harassment

The most common forms of sexual harassment are sexual jokes, intrusive comments or questions, and touching or other physical contact.

Bullying

Supervisors or managers, followed by Members of Parliament, most commonly engaged in bullying behaviours.

³ Equal Opportunity Commission of South Australia, *Review of Harassment in the South Australian Parliament Workplace* (2021) 3: <https://www.eoc.sa.gov.au/about-us/projects/review-of-harassment-in-the-parliament-workplace>.

⁴ Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (2021) 107: <https://humanrights.gov.au/set-standard-2021>.

Appendix 1: Key definitions and terminology

Term	Definition
Workplace bullying	repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety as defined by Worksafe Tasmania.
Workplace discrimination	(including discrimination, prohibited conduct and victimisation) as defined in the <i>Anti-Discrimination Act 1998</i> with particular reference to sections 14 – 18 inclusive.
Workplace sexual harassment	sexual harassment as defined in the <i>Anti-Discrimination Act 1998</i> (Tas).
Ministerial and Parliamentary Services (MPS) workplace	the workplace includes all members of parliament, and the people working (in whatever capacity) in or for Parliament House, electorate offices and Ministers' offices. It also encompasses regularly contracted services including security, catering and cleaning staff. The scope of workplace extends to include work related travel and events.
Review participants	current and former staff and employees for the period 1 July 2019 to present (2022).
