

# Motion for Respect

Report into Workplace Culture in the Tasmanian  
Ministerial and Parliamentary Services

**Summary Report** – August 2022





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Motion for Respect: Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services

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**We acknowledge and pay our respect to the palawa (Tasmanian Aboriginal) people as the traditional and original owners and continuing custodians of this Island lutruwita (Tasmania) and acknowledge elders, past and present. We recognise the deep history and culture of this Island and the strength and resilience of Tasmanian Aboriginal people.**



## Content warning

This Report contains personal insights of people who have experienced workplace discrimination, sexual harassment and bullying. Some individuals may be impacted by the content contained therein and are encouraged to access support services.



I believe the Parliament and the behaviour that goes on within it, both publicly and privately, should be above repute and set a standard that we expect in other workplaces. A standard of behaviour where women are respected, gender equity and equality is the goal, power is not biased and all employees feel safe...”

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# Foreword

**The Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture (Review) provides a critical and timely analysis to understand the current needs and gaps within the Tasmanian Ministerial and Parliamentary Services (MPS) workplace culture, with a specific focus on the occurrence of discrimination, sexual harassment and bullying.**

The Tasmanian Government is to be commended for the breadth of the scope of conduct included in the Review, which is unprecedented and wide-reaching. I thank the Government, the Committee, stakeholders and Review participants for their confidence in my appointment as Independent Reviewer, and subsequent engagement in the Review process. It has been a privilege to undertake this important work.

The Review shows many talented and dedicated individuals engaged within MPS find their working life a positive experience and work with integrity, morality and respect for others. For many, it is a career highlight to work within MPS, providing them with a sense of purpose and achievement.

However, as with any workplace, while most people do the right thing, a proportion of people do not. The positional and professional reputation of many can be too easily overshadowed and tarnished by the behaviours of a few. It is my hope, through the implementation of the recommendations set out in this Report, that this will be avoided in the future.

The evidence demonstrates that for many people working within MPS, going to work can be a harrowing experience due to discrimination, sexual harassment and bullying. Career satisfaction diminishes when employees are confronted with impenetrable gatekeeping, lack of avenues to address their concerns, dismissal of raised concerns and a pervading attitude of 'suck it up'.

I extend my gratitude to all those who contributed to the Review and acknowledge that sharing their experiences took personal and professional courage. Significant effort has been made to ensure that the lived experiences of Review participants are at the core of this Report and the Full Report.

The participation rates from Review participants across the Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace (Survey), as well as written and verbal submissions, strongly indicates a workforce which is heavily supportive of and invested in the Review process and outcomes.

It is however, disquieting that despite changes to the *Right to Information Act 2009* (Tas) and the *Archives Act 1983* (Tas) to protect the confidentiality of individuals, it is evident a genuine and lingering fear of repercussion and reprisal still endures.

Of significant concern is the cascading effect of unsafe workplace behaviours and the effect this has on other areas of MPS and the public sector more broadly. Review participants reported such conduct permeating other worksites within MPS and government departments (noting that secondment from government departments is commonplace within MPS).

People who participated in the Review outlined a culture of unsafe behaviours, a lack of accountability, protection of perpetrators, perceptions of bias and lack of process in complaint handling. Extensive gatekeeping and a resistance to act on inappropriate behaviour was commonly raised.

Key words used repetitively to describe the workplace in both the Survey and throughout the submissions were “toxic” and “unsafe”.

Evidence highlighted the negative impact of discrimination, sexual harassment and bullying, and the short and longer term consequences of such conduct, which in some circumstances are profound and life changing. It is difficult to find a plausible explanation for the lack of action taken to address repeated harmful behaviours, which continue to negatively affect current and former staff.

Insights provided were illuminating and exposed the causes which allow workplace culture to deteriorate and decline to the detriment of all those working in such environments. The recommendations in this Report specifically go to address these causes.

The ‘enablers’ of poor workplace practices are driven by self-entitlement, power imbalances, preservation of status, inconsistencies in the existence and application of workplace policies, practices and procedures, workplace silos and lack of accountability. Poor understanding of relevant contemporary laws and obligations also enable a prevalence of outdated, unlawful, disrespectful and inappropriate attitudes and behaviours.

Evidence suggests MPS has a legacy of complacency, unchecked behaviours, archaic traditions and the absence of a transparent, contemporary, and responsive Human Resources Unit. However, the question of where culpability lies is complex and not helpful if seen through the lens of blame and fault.

Individuals working within the MPS Workplace are entitled to expect that their workplace is a safe place — a place in which respectful behaviours are the norm, where contemporary human resources policies and practices are in place and appropriate training is provided, where supervisors are appropriately skilled

in people management, complaints are encouraged and actioned in a timely manner, where parties are protected from victimisation, and accountability and consequences flow from unacceptable behaviours.

For MPS to become a safe and respectful workplace, decisive leadership will be needed, alongside unwavering commitment, transparency and determination. It is imperative that action is taken to alleviate the risk to staff, build protective structures around the MPS workforce, and provide avenues to safely address conduct through impartial mechanisms.

The Report of the Review is called **Motion for Respect**. It is a call for greater respect within the MPS Workplace. MPS has a distinct working environment. People working within MPS, whatever their role, are at the heart of democracy and representation of the Tasmanian people. Differences of opinion and debate, the ‘cut and thrust’ of politics, are characteristics of this environment. However, such characteristics should never be used as an excuse for disrespectful, and often unlawful, behaviours.

The recommendations in this Report are evidence-based, complementary and designed to ensure the MPS Workplace is better equipped to promote a more positive and respectful workplace culture. A workplace which promotes safe and best practice, attracts a diverse workforce, and sets a standard of which all Tasmanians can be proud.



**Sarah Bolt**  
**Anti-Discrimination Commissioner**

August 2022

# Introduction

## The Review was conducted by the Tasmanian Anti-Discrimination Commissioner (Independent Reviewer).

This Summary Report provides a brief overview of the key findings and recommendations from the Review. For further information see the Full Report.

The Review's Terms of Reference set out the scope of the Review and requested a report be provided setting out findings and making recommendations as to:

- » Any actions that should be taken to increase awareness of the impact of workplace discrimination, sexual harassment and bullying and improve workplace culture within MPS, including training and the role of leadership in promoting a workplace culture that does not tolerate workplace harassment.
- » Any changes that should be made to legislative, regulatory, administrative, legal or policy areas to enhance protection against, and provide best practice responses to, workplace discrimination, sexual harassment and bullying within MPS.
- » Any other actions or changes necessary to ensure a safe and respectful workplace free from workplace discrimination, sexual harassment and bullying within MPS and that set the standard for the broader community on best practice workplace policies and procedures that enable safe and respectful workplaces.

The Full Report provides an Executive Summary and is then set out in two parts:

- » **Part 1: Understanding the recommendations**
- » **Part 2: Issues impacting culture**

The Recommendations have been informed by the findings of the Review, which are set out in the second part of the Full Report.

At the outset, it is essential to recognise that workplace discrimination, sexual harassment and bullying is against the law. Throughout the Review, it became evident that few participants understood the element of unlawfulness to many of the behaviours which constituted discrimination, sexual harassment and bullying.

Workplace discrimination, sexual harassment and bullying has serious and profound effects on individuals and negatively impacts team cohesion, productivity and performance. Employers have a moral and legal responsibility to take steps to ensure their workers are safe, aware of their rights and responsibilities and to instil a confidence that unacceptable conduct will be addressed when it occurs.

The need for a 'positive duty' for employers to prevent sexual harassment, in particular, was recommended in the report *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*<sup>1</sup>. I also note the introduction in Victoria of the *Gender Equality Act 2020* (Vic).

There is no positive duty in Tasmania.

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<sup>1</sup> Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020).



The Anti-Discrimination Act does create some obligations. Section 104 of the Anti-Discrimination Act is a vicarious liability provision, which states that organisations are to take reasonable steps to ensure members, officers, employees and agents do not engage in discrimination or prohibited conduct, including sexual harassment. If an organisation fails to comply, it is liable for any contravention of the Anti-Discrimination Act by its members, officers, employees or agents. Common law sets out what constitutes 'reasonable steps':

- » Effective policies, complaints and grievance procedures
- » Educational programs
- » Monitoring of the workplace to ensure policies are complied with
- » Complaints being promptly investigated in accordance with policies and procedures
- » Appropriate steps being taken to communicate policies to all employees to ensure they are aware of what constitutes prohibited conduct and that it is unlawful

There are also obligations under the Work Health and Safety Act for people conducting a business or undertaking (PCBU) to ensure the health and safety, so far as reasonably practicable, of workers and others who may be put at risk from the work carried out by the PCBU. WorkSafe Tasmania can investigate incidents of unsafe work or work practices, including of bullying and harassment. However, the legislation does not explicitly refer to sexual harassment or bullying. Further, it is unclear whether Members of Parliament have specific obligations under this law.

While this Report does not make a specific recommendation about imposing a positive duty, consideration should be given to legislative change in Tasmania to impose a positive duty to prevent discrimination, sexual harassment and bullying.

It was clearly evidenced that unsafe and unlawful behaviours occur within MPS, and those who experience such behaviours often feel existing attitudes about the MPS Workplace render the conduct permissible and an inherent part of the working environment.

Whatever the nature of employment or engagement within MPS (and there are numerous), each individual is entitled to expect a safe workplace. Workplace culture is directly linked to organisational framework, including through comprehensive policies and processes, oversight, accountability, transparency, values, training, competency of leaders, access to support systems, bystander action and protections from victimisation.

What has emerged from this Review is that fundamental safeguards for people working within MPS are lacking. It is evident that a complete overhaul of MPS Workplace practices is necessary to effectively address the existing issues and prevent problems being further exacerbated.

Ultimately, this Review is about people. It is about their entitlement to a safe workplace, and how that can be achieved. Comments and quotes of Review participants are distributed throughout this Report and the Full Report and demonstrate the need for change. Quotes included reflect the common themes and tenor consistently conveyed by Review participants.

The Survey participation rate was 56.5%. This is incredibly high when compared to other jurisdictions which have undertaken similar reviews. The Independent Reviewer acknowledges the work done previously and observes that increasing transparency about unsafe workplaces empowers people to speak out and contribute to positive change in Australian workplaces.

It is noted by the Independent Reviewer that while some of the commentary may be confronting and difficult to absorb, providing the MPS workforce the opportunity to have their say and to be heard was essential to gaining a comprehensive understanding of the issues that need to be addressed. This approach has enabled the Independent Reviewer to undertake constructive, extensive and evidence-based analysis.

While many Review participants reported negative experiences, it is also overwhelmingly evident that MPS is comprised of an extremely dedicated workforce. Individuals are committed to their work and contributing to the Tasmanian community. The MPS workforce is deserving of contemporary workplace structures which build a culture where they are valued and recognised for the contribution they make to our communities. Their working environment should be supportive, inclusive, fair and safe.

Further, and at the heart of the matter, Tasmanians expect the working environments and cultures across MPS to be an exemplar of workplace culture, where employees can work to their full potential in a safe environment, in order to produce better outcomes for the community.

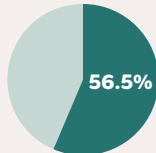
The comprehensive assessment and analysis of various types of conduct that contribute to unsafe workplace practices, informed by those working or who have worked within MPS, led to a thorough evidence base of data from which the recommendations from the Review were made.

This approach to the Review makes the recommendations contained within this Report more compelling and persuasive, as they are reflective of the needs expressed by the MPS workforce, and address the gaps identified by those working within it.

# At a glance ...

An online Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace was completed by **318 individuals**.

This represents a **56.5% response rate**.

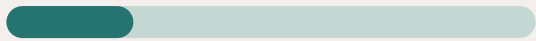


**26** written submissions

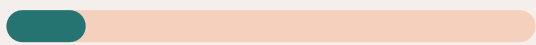


**13** verbal submissions  
(both interview and open discussion format)

## Key survey results



**24%** of respondents experienced **discrimination**

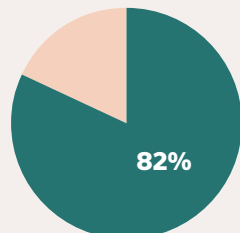


**15%** of respondents experienced **sexual harassment**



**40%** of respondents experienced **bullying**

**82%** of respondents expressed general dissatisfaction with complaints processes

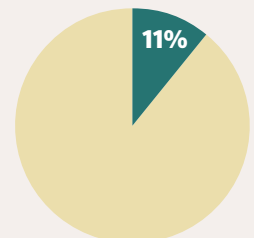


**620** substantive comments were made by Survey participants



**2/3** of respondents had witnessed discrimination, sexual harassment or bullying

Only **11%** of those who witnessed the behaviours **intervened**



Members of Parliament and Supervisors/Managers were consistently the **top two groups** reported to be engaging in discrimination, sexual harassment and bullying.

# Themes emerging



## Leadership

MPS personnel lack confidence in the will of their senior managers to take appropriate action to address conduct, particularly where there are perceived political or public consequences.

Power dynamics in relation to political offices are extreme and can often operate to protect inappropriate behaviours. This is exacerbated by the lack of a clear and applicable policy framework which governs workplace discrimination, sexual harassment and bullying.



## Political debate

The role modelling of poor behaviours in the Chambers of Parliament (where Parliamentary debate occurs) sets the standard in other parts of the workplace.

Robust political debate is an integral part of Parliament and is protected by parliamentary privilege. It is when such behaviours extend into the general workplace that the culture and interpersonal interactions run the risk of becoming unsafe.



## Abuse of power

Members of Parliament and managers/supervisors were found to be the most common perpetrators of workplace discrimination, sexual harassment and bullying.

Information provided by Review participants was harrowing, and detailed situations where they were exposed to degrading and belittling conduct, abusive behaviours and numerous instances where those who engaged in wrongdoing have been protected to the detriment of others.



## Complaints

There is an overwhelming lack of faith in process, fairness in dealing with complaints and complaint outcomes. This may inform the decision behind whether someone speaks up about unsafe workplace conduct or not.

Review participants reported a lack of accountability and a general unwillingness to intervene when discrimination, sexual harassment and bullying does occur.



## Training

There is little to no training about respectful workplace behaviours, rights and responsibilities and reporting options in relation to workplace discrimination, sexual harassment and bullying.



## Diversity

There is a lack of diversity within the MPS Workplace which may be linked to low levels of reported discrimination on the basis of race, disability, LGBTI+ attributes.



## Boundaries

For many MPS personnel, there is no clear delineation between work hours and personal time. Multiple Review participants commented that they were expected to be available 24/7.

Many Review participants also reported being contacted repeatedly via applications such as WhatsApp and expected to reply, outside working hours.



## Family responsibilities

Reports of discrimination were mostly linked to sexism and family responsibilities.

While some of the work areas within MPS may have policies regarding flexible work, in practice employees experience negative comments, guilt, refusal and career repercussions if they seek flexible work because they have family responsibilities.



## Employment conditions

Employment arrangements within MPS are complex, inconsistent and outdated. This directly affects employee rights, depending on their instrument of employment, which results in pay inequity and varying access to entitlements such as overtime, travel allowances, and leave.

There is a perceived absence of job security, due primarily to the uncertain nature of political office and a perception that staff have limited protections and can be readily 'moved on'.



## Structure

Review participants described inefficiencies in the way the Parliamentary Entities are structured, including overlap in the way some of the functions are performed, a concentration of power and responsibility and an absence of a contemporary approach to workplace relations and business planning.

Countless Review participants expressed that MPS is in dire need of an independent HR unit.



## Awareness of rights

There is low awareness of rights and obligations relating to workplace discrimination, sexual harassment and bullying.

A considerable proportion of those working within MPS reported they had not undertaken an induction process, are not aware of their responsibilities under the Anti-Discrimination Act and did not know where to find policies about acceptable workplace behaviour. Many reported being unaware of the existence of Workplace Support Contact Officers or how to report unacceptable behaviour from a Member of Parliament or someone other than a Member of Parliament.

Awareness of external reporting options, such as Equal Opportunity Tasmania, WorkSafe Tasmania and the Integrity Commission, was also low.



## Public perceptions

Review participants reported that the risk of media coverage was a significant factor in deciding whether to address unsafe workplace conduct, particularly where the issue may be 'leaked' and the person may suffer both internal and external repercussions.

It was also noted, on multiple occasions, that the behaviour on sitting days can be extremely disrespectful. This conduct is observable by the public, including school children.

While the 'theatre' of politics is an inherent feature of debate, clear boundaries are essential.



## Access to safe systems

The MPS Workplace is characterised by poor or inconsistent governance, including an historical absence of human resources policies and processes and a lack of fairness and transparency in Recruitment practices.

Review participants continuously emphasised that 'there is nowhere to go' to make complaints. In expressing this, participants referred to a lack of independent options, vested interests and protection of perpetrators that has historically occurred, victim-blaming and victimisation, a lack of safeguards with little to no attempts to mitigate conflicts of interest or bias. This was expressed particularly often in relation to some Members' offices, and also in relation to difficulties posed by Chiefs of Staff acting as gatekeepers to the detriment of staff.



## Experiences of sexual harassment

In relation to sexual harassment, females experienced more sexual jokes and physical touching compared to males.

Males who experienced sexual harassment reported behaviours such as receiving sexually explicit pictures, posters or gifts.

Only females reported experiencing requests or pressure for sex or other sexual or intimate acts, repeated requests for a date or after-work drinks, sexually explicit comments via Facebook or other online platforms, sexual gestures, exposure of body parts and indecent phone calls.



## Bystander intervention

Intervention rates for bystanders were extremely low across all areas, despite results showing inappropriate conduct is often witnessed.

For example, in half of all cases of sexual harassment there were witnesses, yet in 80% of cases, no one intervened.



## Impacts

High levels of distress were reported and observed within the course of taking verbal submissions.

Survey participants commonly reported experiencing trauma, anxiety and depression and feeling unsafe in the workplace.

Impacts of workplace discrimination, sexual harassment and bullying directly correlate to feelings of safety within the workplace.

Review participants outlined situations where people had been left crying, were too intimidated to make eye contact with managers acting aggressively, where concerns for individual safety arose, where people were too uncomfortable to enter the office and where medical help was sought as a result of the impacts of the conduct experienced in the MPS Workplace.



## Alcohol consumption

A number of Review participants reported having observed excess consumption of alcohol, impacting performance and often linked to escalating unsafe behaviours in the workplace, specifically sexual harassment.

Examples included women being followed to their accommodation while away for work.

# Background, scope and methodology

## Review background

On 28 July 2021, the Honourable Peter Gutwein MP, then Premier of Tasmania, announced<sup>2</sup> the appointment of the Tasmanian Anti-Discrimination Commissioner (**Independent Reviewer**) to undertake the Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture (**Review**).

The Terms of Reference for the Review were released the same day and are in **Appendix A** to this Report.

The announcement confirmed the establishment of a Committee comprising members of both Houses of Parliament, the role of which has been to support the work of the Independent Reviewer in undertaking the Review and will now be to lead the implementation of any accepted recommendations arising from the Review.

The Independent Reviewer makes particular reference to the broad endorsement of the Review across party lines and notes that the Review has been conducted impartially, openly and honestly, and without reference to particular political parties. It was essential that the MPS Workplace was 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 has been undertaken to identify the current needs and gaps within the MPS workplace and to make recommendations to ensure a safe and respectful workplace which reflects best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.

## Scope

The scope of the Review included workplace conduct constituting:

**Discrimination**



**Sexual harassment**



**Bullying**



Key terms and definitions are in **Appendix B** to this Report and reflect the definitions adopted in the Anti-Discrimination Act and by WorkSafe Tasmania.

<sup>2</sup> Premier Peter Gutwein, *Terms of Reference finalised for independent review into Parliamentary practices and procedures* (28 July 2021) <[https://www.premiertas.gov.au/site\\_resources\\_2015/additional\\_releases/terms\\_of\\_reference\\_finalised\\_for\\_independent\\_review\\_into\\_parliamentary\\_practices\\_and\\_procedures](https://www.premiertas.gov.au/site_resources_2015/additional_releases/terms_of_reference_finalised_for_independent_review_into_parliamentary_practices_and_procedures)>.

”

**The Parliament is crying out for reform and transformational change to make it fit for purpose — a modern organisation supporting Members to discharge their constitutional and representative duties ...**

For completeness, it is noted that discrimination is defined to include, for the purposes of the Review:

- » Direct discrimination on the basis of 22 attributes
- » Indirect discrimination on the basis of 22 attributes
- » Offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of 14 attributes
- » Victimization

This broad spectrum of conduct enabled a comprehensive and full understanding of the types of unsafe workplace conduct being experienced by MPS personnel.

The results of the Review show specific trends and themes emerging from the data obtained.

## Methodology

The Independent Reviewer adopted a mixed method approach in order to obtain both quantitative and qualitative data. The purpose was to capture the varied experiences of MPS personnel, and to understand both the structural and cultural factors influencing conduct within the MPS Workplace.

The methodology applied by the Independent Reviewer is set out in **Appendix C**.

It is the view of the Independent Reviewer that the findings of the Review are based on a truly reflective evidence base of the MPS Workplace obtained through the Survey, written and verbal submissions, research and stakeholder interviews.

**Appendix D** to this Report provides more information about accessing the Survey questions and answer options. The questions and answer options for the Survey are available on the Equal Opportunity Tasmania website at [www.equalopportunitytas.gov.au](http://www.equalopportunitytas.gov.au).

Alternatively, they are able to be directly requested from Equal Opportunity Tasmania.

Information provided through written and verbal submissions was in depth, poignant, reflective and insightful.

The average length of time required for verbal submissions was two hours. It is evident that for some, the emotional scars resulting from adverse workplace experiences remain raw.

It was commonly expressed by both male and female participants that the interview process provided cathartic relief. For many it was the first time they had felt safe and confident to tell their story.

All submissions appeared to be driven by a genuine hope that, as a consequence of the Review, positive improvements would be made to the MPS Workplace and that others would not be subjected to the behaviours that they and others had experienced.

The role of the Independent Reviewer has not been to investigate or make findings regarding individual allegations about workplace discrimination, sexual harassment or bullying. Rather, this Report and the Full Report provide a reflection of the lived experience of Review participants as demonstrated by the quotes included throughout the Reports.



# The 22 attributes of discrimination



**Race**



**Age**



**Sexual orientation**



**Lawful sexual activity**



**Gender**



**Gender identity**



**Intersex variations of sex characteristics**



**Marital status**



**Relationship status**



**Pregnancy**



**Breastfeeding**



**Parental status**



**Family responsibilities**



**Disability**



**Industrial activity**



**Political belief or affiliation**



**Political activity**



**Religious belief or affiliation**



**Religious activity**



**Irrelevant criminal record**



**Irrelevant medical record**



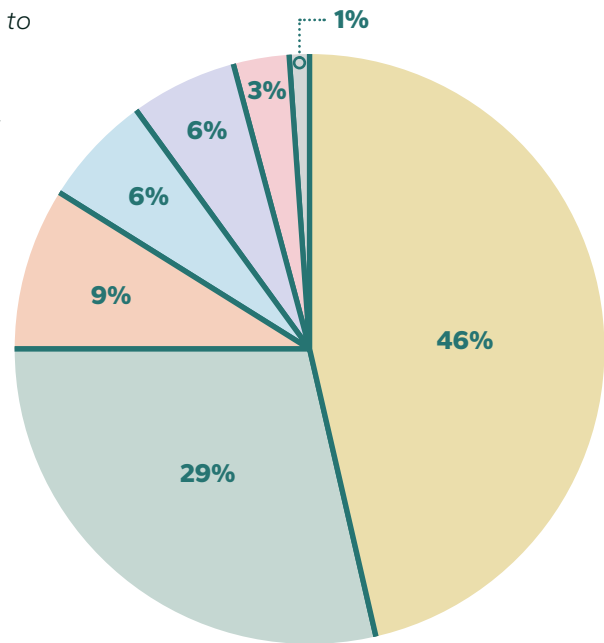
**Association with a person who has or is believed to have any of the other attributes**

## Who participated?

Participation in the Review was voluntary and confidential. Participants' privacy is protected under both the *Right to Information Act 2009* (Tas) and the *Archives Act 1983* (Tas), following the enactment of provisions contained within the *Justice Miscellaneous (Independent Review Amendments) Act 2022* (Tas).

### Work role

- I am a Member of Parliament (9%)
- I work for a Member of Parliament (46%)
- I work in Parliament House (but not for an MP) (29%)
- I am a contractor (i.e. cleaner, security) (1%)
- I work for a government department (6%)
- Prefer not to say (3%)
- Other (6%)



**68%** of respondents were female

**32%** were male

**95%** of respondents were born in Australia

**9%** of respondents identify as Aboriginal or Torres Strait Islander, LGBTIQ, or as living with a disability\*.

**81%** of respondents are currently employed or engaged

**19%** of respondents were formerly employed or engaged

*\*This low representation of specific demographic groups has led to the combination of percentage rates in order to protect participant confidentiality.*

# MPS Workplace

The MPS Workplace is a complex framework made up of multiple workplaces, individuals and methods of engagement, including:

- » Elected **Members of Parliament**
- » People working within **Ministerial and Parliamentary Support** roles in or for electorate offices and the offices of Members of Parliament (appointed to the office of a Member of Parliament by the exercise by the Premier of **Crown Prerogative** or State Service employee on **secondment** from Department of Premier and Cabinet (**DPAC**) or other Agency)
- » People working in Parliament House within the **Legislative Council** or the **House of Assembly** (appointed as officers or employees under the **Parliamentary Privilege Act**)
- » People working in Parliament House within the **Legislature-General to provide shared Parliamentary services** (appointed as officers or employees under the **Parliamentary Privilege Act**)
- » People performing **contracted services**

For the avoidance of doubt, references to the MPS, MPS personnel and the MPS Workplace throughout this Report should be taken to include all personnel described above and in the diagrams on the following two pages (and is not limited to those directly engaged within the division referred to as Ministerial and Parliamentary Support).

Note that references to 'Minister' or 'Ministerial' in quotes in this Report do not necessarily indicate the political party to which the comment relates due to the length of time some Review participants may have been working within MPS and the ability to participate anonymously.

There needs to be more rules and regulations in place to ensure MPS is a healthier work environment for everyone. There is an entrenched culture that is toxic, prevents collaboration and damages people's mental wellbeing.

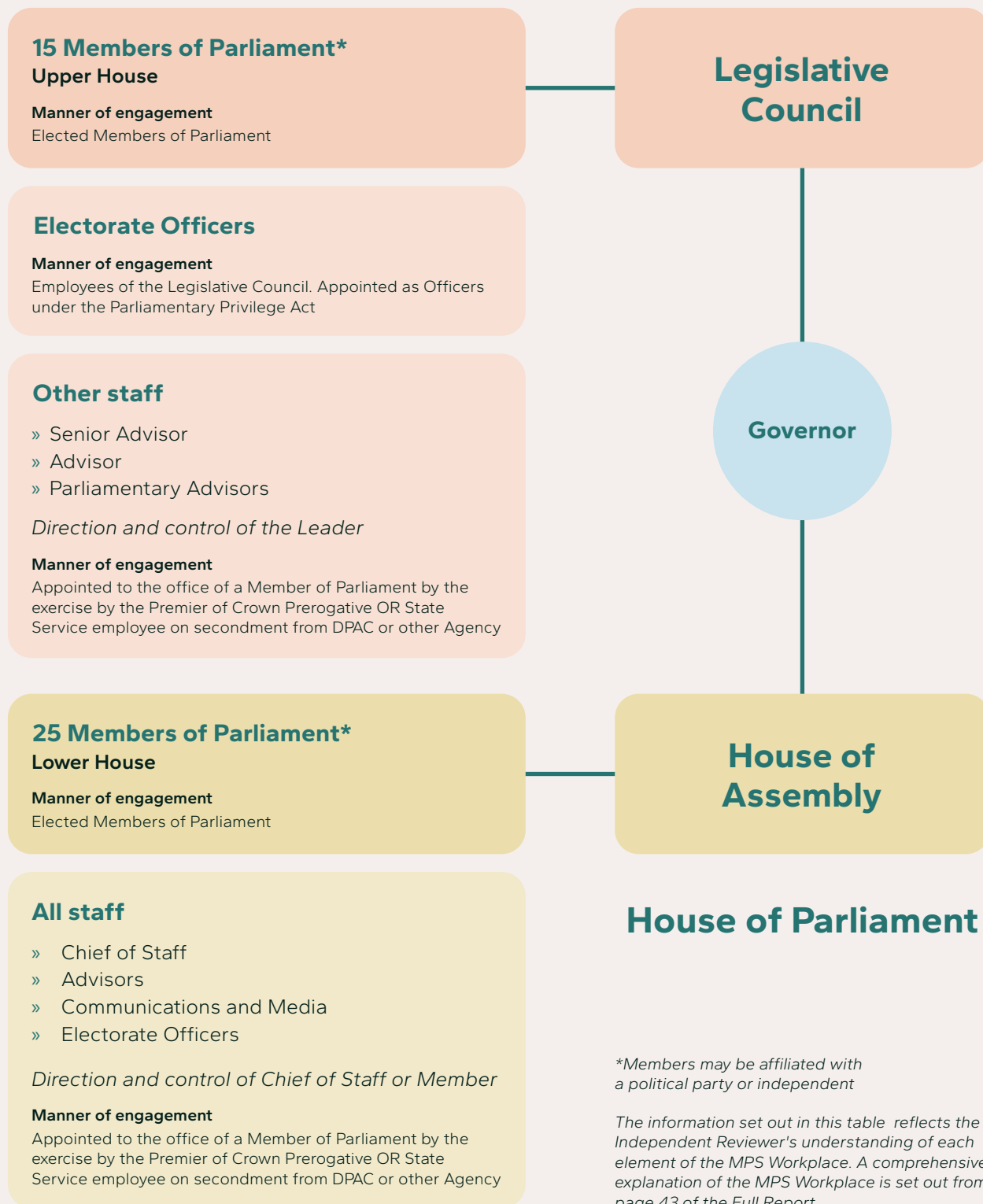
I have noted a variety of workplace cultures, from positive to toxic, noting there are some consistent issues across some of the Ministerial offices.

There needs to be better structures and processes for concerns and complaints to be heard, and resolved, and clearer communication with all in MPS about these structures and processes.

# Tasmanian Parliament

## Members of Parliament and their staff

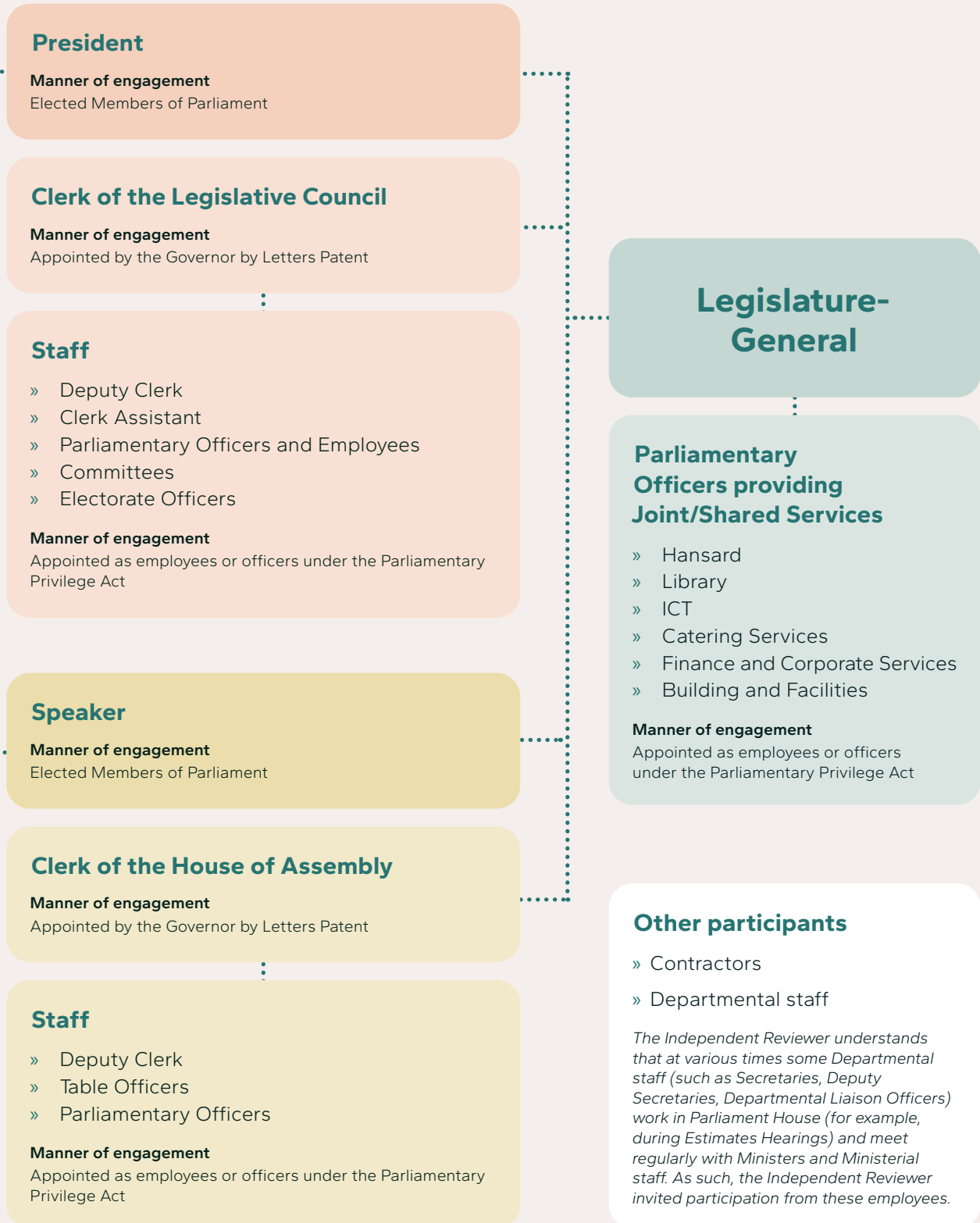
## House of Parliament



\*Members may be affiliated with a political party or independent

The information set out in this table reflects the Independent Reviewer's understanding of each element of the MPS Workplace. A comprehensive explanation of the MPS Workplace is set out from page 43 of the Full Report.

# Parliamentary entities and their staff



## President

### Manner of engagement

Elected Members of Parliament

## Clerk of the Legislative Council

### Manner of engagement

Appointed by the Governor by Letters Patent

## Staff

- » Deputy Clerk
- » Clerk Assistant
- » Parliamentary Officers and Employees
- » Committees
- » Electorate Officers

### Manner of engagement

Appointed as employees or officers under the Parliamentary Privilege Act

## Speaker

### Manner of engagement

Elected Members of Parliament

## Clerk of the House of Assembly

### Manner of engagement

Appointed by the Governor by Letters Patent

## Staff

- » Deputy Clerk
- » Table Officers
- » Parliamentary Officers

### Manner of engagement

Appointed as employees or officers under the Parliamentary Privilege Act

## Legislature-General

### Parliamentary Officers providing Joint/Shared Services

- » Hansard
- » Library
- » ICT
- » Catering Services
- » Finance and Corporate Services
- » Building and Facilities

### Manner of engagement

Appointed as employees or officers under the Parliamentary Privilege Act

### Other participants

- » Contractors
- » Departmental staff

*The Independent Reviewer understands that at various times some Departmental staff (such as Secretaries, Deputy Secretaries, Departmental Liaison Officers) work in Parliament House (for example, during Estimates Hearings) and meet regularly with Ministers and Ministerial staff. As such, the Independent Reviewer invited participation from these employees.*

# What did we learn?

There is no doubt that there are many talented and dedicated employees working within the MPS Workplace and that for some their working life is a positive experience. However, it is evident that discrimination, sexual harassment and bullying is occurring and when it does, the impacts can be profound and life-changing.

Of note, the Independent Reviewer's observations are that:

- » Bullying was the most common form of inappropriate conduct in the MPS Workplace, experienced by **40% of Survey respondents**.
- » Review participants also reported that the MPS Workplace environment is highly political, not family friendly and that sexist perceptions of the role of women and of family structures and family responsibilities prevail.

Parliaments can be arcane workplaces, out of step with contemporary workplace practices. They are also by nature often intense, conflict-rich working environments, which have been for a long time, heavily male-dominated. An increase in the number of female Members of Parliament and presiding officers has, I believe, improved the workplace for women and people from diverse backgrounds, but there's some way to go before Tasmania's Parliament is a genuinely respectful workplace.

The principal change that is needed in the MPS Workplace at Parliament House and for the Parliamentary staff, is to understand that they have rights, which presently they do not. There is no formal statement of employee rights, nor do any of the staff perceive that any complaint they made would not be used against them. They assume that it will.

It is evident that multiple factors have contributed to the prevalence of workplace discrimination, sexual harassment and bullying within the MPS Workplace. This includes a strong perception of political divisions and power imbalances which drives harmful behaviours and allows those behaviours to go unchecked.

Prior to maternity leave I was employed full time. When I returned to the workplace I was forced into a part-time position and my entitlements were removed.

# Positive participant experiences

It would be remiss to ignore the comments made that painted a positive picture of the MPS Workplace. It is fervently hoped that through the implementation of the recommendations made throughout this Report, strong leadership and commitment to change, all MPS personnel will experience a safe, supportive and rewarding workplace.

**In the most part, the staff that work at Parliament House are excellent. The senior managers are smart, compassionate and professional. On the large part, they are very approachable. However, like in any workplace, there are bad apples.**

**In my work area the culture has improved significantly since I arrived in 2019. The majority of the people who were responsible for this sort of thing have left or been moved on.**

**There is a high degree of respect and professional competence and a strong culture of looking out for one another.**

**In the Legislative Council and Parliament staff, I find the culture to be inclusive and friendly. However it is also bedded in tradition which does not always allow for keeping pace with what is acceptable.**

However, the fact cannot be ignored that the stories of positive experiences were few (only 14 of the 620 written comments from the Survey conveyed a positive sentiment) — and often carried a caveat, including an observation and recognition that not all those working within the MPS Workplace have enjoyed the same positive experience.

**Generally speaking, the current Tasmanian Government MPS workplace culture is extremely supportive and provides genuine opportunities for staff. Workplace discrimination, sexual harassment and bullying are not tolerated — albeit with the very few instances where some members appear to have more leniency when it comes to addressing and remedying staff bullying behaviours.**

# Survey: Key findings

**47%** of respondents work/ed for a **Member of Parliament**

**29%** of respondents work/ed in **Parliament House**

**27** Members of **Parliament** completed the Survey



**24%** of respondents experienced **discrimination**

**15%** of respondents experienced **sexual harassment**

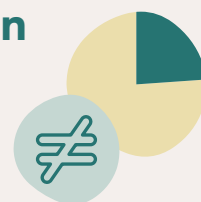
**40%** of respondents experienced **bullying**

**620** substantive **comments** were made by Survey respondents



## Discrimination reported

Of the **24%** ...



**58%** reported discrimination on the basis of **gender**

**37%** reported discrimination on the basis of **family responsibilities**

**72%** experienced **anxiety** as a result of workplace discrimination

**30%** experienced **depression**

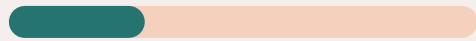
**28%** experienced **panic attacks**



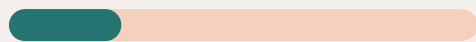
## Sexual harassment reported



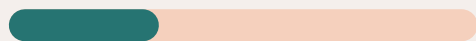
Of the 15% ...



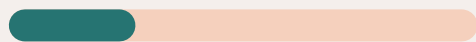
**29%** of most recent cases involved **sexual 'jokes' and intrusive comments**



**24%** of most recent cases involved **touching or other physical contact**

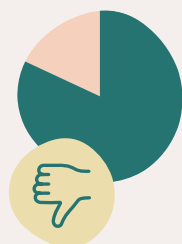


**32%** reported being sexually harassed by a **Member of Parliament**



**27%** reported being sexually harassed by a **manager/supervisor**

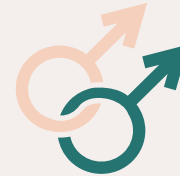
**82%** of respondents expressed **general dissatisfaction** with complaints processes



Actual or attempted sexual violence occurred in **five** cases of reported sexual harassment



All respondents who identified as **LGBTIQ** reported experiencing sexual harassment



## Bullying reported



Of the 40% ...



**56%** reported **frequent bullying**



**83%** reported being treated in a **dismissive way**



**60%** reported being **yelled or shouted at**



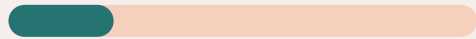
**47%** reported **being excluded** for meetings or social events



**42%** reported being bullied by a **manager/supervisor**

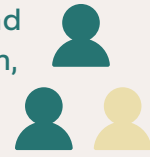


**75%** of respondents who experienced discrimination, sexual harassment or bullying **spoke to a colleague or workmate, friend, partner or spouse.**



**23%** of respondents **spoke to a manager or supervisor.**

**2/3** of respondents had **witnessed** discrimination, sexual harassment or bullying



Only **11%** of those who witnessed the behaviours **intervened**

Reasons for **not reporting** discrimination, sexual harassment and bullying:



**24%** were concerned about damaging their career prospects



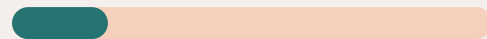
**24%** didn't think anything would be done



**22%** felt it was easier to keep quiet



**20%** of respondents had witnessed **discrimination**



**20%** of respondents had witnessed **sexual harassment**



**58%** of respondents had witnessed **bullying**



Members of Parliament and Supervisors/Managers were consistently the **top two groups** reported to be engaging in discrimination, sexual harassment and bullying

Of those who made a complaint



**56%** reported experiencing **negative consequences** for doing so

# Submissions: Key findings

Many of the issues raised in written or verbal submissions were consistent with the Survey results. Review participants who submitted written and verbal information commonly outlined the following issues:

- » Influenced by political alliances, a high level of collegial mistrust exists within the MPS Workplace.
- » A sense of helplessness and fear to complain or call out bad behaviours due to fear of retribution, lack of consistent policies and processes and a perceived lack of job security.
- » At a general staff level, loyalty and years of service is rarely recognised or appreciated. Conversely select individuals are identified for promotion and advanced based on personal and political relationships and time served rather than on merit.
- » Despite the record number of women in Parliament, it is perceived that their behaviour towards each other, particularly during debates, does little to attract a talented pool of women into politics.
- » Regardless of role within MPS it is difficult to find somebody trustworthy to talk to about experiencing or observing poor and inappropriate behaviours and there is low confidence that action will be taken.
- » Bullying behaviours, such as yelling, screaming, swearing, belittling and ostracising are commonplace.
- » A lack of accountability and consequences for those who exercise/exhibit bullying, discrimination or sexually harassing behaviours.
- » The tenuous nature of employment, for some, prohibits staff from speaking out or making complaints in fear of losing their position.
- » The culture in Ministerial offices varies considerably from fear and walking on eggshells to a supportive and collegiate environment.
- » Lack of respectful behaviour is common practice across MPS.
- » A prevailing attitude of self-entitlement, self-importance and bullying behaviours among those in positions of power or whose employment status is secure.
- » A culture of removing those who complain and rewarding the bully.
- » A strong perception of nepotism and cronyism in relation to employment practices in some areas of MPS.
- » Too many managers have little or no expertise in 'people management'.
- » The Estimates process is too often weaponised for political gain. The behaviour of some Members of Parliament is having a traumatising or humiliating effect on those tasked to serve their Minister.
- » Disrespectful behaviours have a cascading effect throughout the MPS Workplace, including permeating into the wider public service (as regards employees who are transferred and seconded).
- » The concern that the public display (in the gallery or live streaming) of vitriol, name calling, insensitivity, disrespectful comments and body language, the inappropriate use of Parliamentary Privilege and the weaponising of the Integrity Commission by some Members of Parliament causes reputational harm and impacts on public opinion of the institution and those elected to represent the people of Tasmania.
- » There exists an overwhelming appetite for cultural change, accountability and consistent workplace practices.

# What did participants have to say?

My manager told me I was 'under [their] ultimate control'.

[They] shout, use silent treatment and anger, micromanage, set unreasonable deadlines, provide contradictory instructions, play favourites. [They] regularly describe other workers as 'stupid' and have no tolerance for mistakes.

Many Chief of Staffs have no idea about people management.

There was an attitude of inconvenience about the whole matter being raised and why can't people just get along. There was no recognition of the complex nature of bullying, onus on PCBU to provide a safe workplace and actually how to manage such a situation and come to a resolution, let alone the problem with not having systems and processes in place to deal with complaints/grievances.

I am a privileged white cis male and have not experienced any form of discrimination. However, it is my belief that there aren't appropriate or adequate reporting mechanisms for those that have.

I didn't make a complaint as I was requested not to do so.

Flexible work practices are not accepted in MPS generally and when they are requested there is shame/disapproval associated with it ... you are expected to work when on leave. No work-life balance, you are expected to be available 24/7 ... In all of these matters if you aren't doing what is expected by the Minister then it leads to you being sidelined in the office, asked to move on, sent back to the department etc.

There was classist, sexist, racist and foul language overheard on a number of occasions. It felt like going back in time.

They said 'this is why young women shouldn't have children'.

Members should not use the protection of parliamentary privilege to bully, harass, name call etc. It is used as a political weapon and should be called out as such. As elected representatives, they should be expected to lead by example, in the Chamber as much as out of it.

As someone with staff reporting to me, I have never been provided with any information about complaints processes or handling.

The last time I made a complaint about a co-worker I was reprimanded.

I was accused of not working hard enough when I had to leave to pick up my children.

They would scream at me, smash files on my desk, ridicule me in front of others.

You are warned that you mustn't act on anything in case it has political consequences.

The disrespect that is shown to public servants who are here to serve the government of the day, is at an all-time low.

Senior staff and Ministers will never be held to account on how they treat staff, and as we are on contract we can't speak out as it would be the end of our jobs.

There is no point lodging a complaint. Unfortunately you just have to take the bullying in your stride until you can find another job as no one in a senior position will do anything about it. If you do cause an issue by complaining, you may as well kiss your job goodbye.

A manager makes religious jokes about a staff member when they are not around.

# Recommendations

The following recommendations are made having regard to the Review findings and with an emphasis on:

- » Addressing the causes which allow workplace culture to deteriorate and decline to the detriment of all those working in the MPS Workplace environment;
- » Building and promoting the systems and processes that provide a strong safety net for all participants in the MPS Workplace; and
- » Recognising that each and every participant in the MPS Workplace has a responsibility to act in a way that reduces the incidence of harmful behaviours.

Recommendations from the Review must be prioritised and actioned expediently to ensure that accepted recommendations do not become stale, or worse, ignored or forgotten. It is envisioned that any time period as set out in a recommendation should commence upon acceptance of that recommendation.

To delay the implementation of accepted recommendations has the potential to undermine the trust and confidence of Review participants and those working within the MPS Workplace more broadly.

## Acknowledge the need for change and initial steps for action

1

Within one month, the House of Assembly, Legislative Council, and Legislature-General, jointly or separately, release a public statement about the importance of Ministerial and Parliamentary Services being a safe workplace which is free from discrimination, sexual harassment and bullying, and commit to assisting with the implementation of accepted recommendations.

2

Within three months, the Committee is to be formalised as a Joint Committee and an appropriately resourced independent project manager is to be appointed to execute implementation of accepted recommendations. The project manager is to report to the Committee, and is to work with the Presiding Officers, Clerks and Deputy Clerks of each House of Parliament, and other key stakeholders, regarding such implementation.

3

Within six months, the Committee is to commission an independent review of the Ministerial and Parliamentary Services organisational and governance structure, including an audit of instruments of appointment, employment conditions, recruitment processes and pay structures.

## Steps to create long-term change

4

Within 12 months, establishment of a centralised and independent human resources unit, accessible for all Ministerial and Parliamentary Services personnel, called 'MPS People, Culture and Change'.

7

Within 18 months, implementation of formal induction and exit processes which include training on acceptable workplace conduct, complaint processes, external reporting mechanisms and Workplace Support Contact Officers.

5

Within 12 months, implementation of a complaints and reporting framework for MPS People, Culture and Change to operate within including:

- » The power to investigate complaints about discrimination, sexual harassment and bullying, including allegations against Members of Parliament
- » Setting internal processes for dealing with conduct matters both informally and formally
- » Setting investigation procedures, protections against victimisation, sanctions, and policies containing information about external complaint bodies.

8

Within 18 months, mandatory external in-person workplace conduct training to be undertaken by all current Ministerial and Parliamentary Services personnel, including Members of Parliament; people management training to be undertaken by all Ministerial and Parliamentary Services personnel who have staff reporting to them; and a structured training plan be developed.

9

Within 18 months, a minimum of 12 Workplace Support Contact Officers be appointed, maintained and appropriately trained across Ministerial and Parliamentary Services.

6

Within 12 months, create and implement (in consultation with staff) the following:

- » Ministerial and Parliamentary Services Code of Conduct for:
  - Parliamentarians
  - MPS personnel
- » Diversity and inclusion strategy
- » A family friendly workforce strategy
- » Performance management framework
- » Consumption of alcohol policy

10

Within 24 months, completion of Our Watch's Workplace Equality and Respect Standards across Ministerial and Parliamentary Services.

## Measuring change

11

At 12 months, a report of the progression of the implementation of the recommendations is to be published on the Tasmanian Parliament website homepage.

12

At 18 months, MPS personnel are surveyed to measure:

- » Perceptions of the implementation of the recommendations arising from the Review
- » Experiences of workplace discrimination, sexual harassment and bullying since the Review
- » Changes to workplace culture
- » Improvements to employment conditions
- » Participation in training and perceptions thereof
- » View of and access to complaint and reporting processes
- » Problematic issues and perceptions that remain

13

At 24 months, a report outlining the implemented recommendations, any subsequent survey findings (**Recommendation 12**), steps remaining and any adjustments needed to ensure the purpose of the recommendations is achieved, is published on the Tasmanian Parliament website homepage.

14

A Ministerial and Parliamentary Services Workplace Culture Survey is to be created and administered by MPS People, Culture and Change, to all personnel on at least a bi-annual basis, with results published on the Tasmanian Parliament website.



# The call for bold leadership

I would describe the current culture as toxic and antiquated. The culture could be improved with the full support of those in positions of authority in allowing modern practices to be introduced and supporting change.

Change can be confronting and difficult. The Independent Reviewer warns against the denial of issues now evidenced to exist. To deny that significant structural and cultural issues need extensive improvements would be to undermine all people who participated in the Review in the hope it contributes to the betterment of the MPS Workplace.

We need to encourage institutional leaders to exhibit attitudes and behaviours that support a safe workplace culture through, for example, the kind of people they hire, the behaviour they reward and reprimand, the matters on which they focus their attention and the way they respond to crises ...

Written and verbal submissions in particular highlighted the need for leaders to step up and uphold standards of respect and accountability, with one participant aptly stating:

Culture provides an informal mechanism to control behaviour, but there cannot be a good culture without other factors like leadership, formal mechanisms in place to set standards, as well as shared understanding of values and understanding of employment law duties and obligations.

The Independent Reviewer implores leaders across the MPS Workplace to embrace need for change as a positive path forward, resulting in a workplace where every employee can thrive. The inconvenience of change must not be an excuse for inaction.

A constant thought during my time there, and since, is that the toxic and inappropriate behaviours and demands on people would not be tolerated in the private sector. I have never witnessed or experienced behaviour like it anywhere else.

# Acknowledgements

## Equal Opportunity Tasmania staff:

**Melanie van Egdorn** – Project Officer

### Review Team

- » **Katrina Warburton** – Executive Officer
- » **Robin Szabo** – Administrative Assistant
- » **Michelle Parker** – Investigation and Conciliation Officer; and
- » other Equal Opportunity staff who provided support where needed

## Consultants:

**Kristina Vermey** – Employment Lawyer and Workplace Advisor, COHORTE

**Dr Ron Mason** – Independent Research Consultant, Tasmanian Institute of Law Enforcement Studies

**Jamie Roberts** – Graphic Designer, Mouse & Mind

## Participants

The Independent Reviewer acknowledges the courage of all Review participants and thanks them for their openness, insights and informed contributions.

## Stakeholder cooperation

Vital to the meaningful progression of the Review was the cooperation of key stakeholders who were involved in logistical support, including development of contracts for consultants, distribution of Review correspondence, provision of relevant information relating to the structure of the MPS Workplace and other essential information.

The Independent Reviewer acknowledges those individuals who played a part in the mechanisms of the Review process and thanks them for their support and assistance.

# Appendix A

## Terms of Reference

- 1 Request that the Anti-Discrimination Commissioner (**Commissioner**) undertake a Review of the Tasmanian Ministerial and Parliamentary Services (**MPS**) workplace to ensure a safe and respectful workplace and reflect best practice in preventing and dealing with workplace discrimination, sexual harassment and bullying.
- 2 Request that in the Review the Commissioner:
  - Provides a safe and supportive environment that elicits trust and fosters open engagement.
  - Ensures the Review is founded on the principles of natural justice, includes safeguards for confidentiality, and provides mechanisms for persons who wish to engage in the review anonymously.
  - Ascertains whether there is workplace discrimination, sexual harassment and bullying within MPS and understands its nature and extent.
  - Ascertains and understands the existing perceptions of workplace culture within MPS.
  - Ascertains the existing awareness and understanding of responsibilities prescribed under the Anti-Discrimination Act within MPS.
  - Ascertains and understands the impact of workplace discrimination, sexual harassment and bullying on individuals, and any contributing factors, including workplace culture, on the prevalence of workplace discrimination, sexual harassment and bullying within MPS.
  - Reviews existing complaint and reporting mechanisms available to staff of MPS, and any cultural and/or structural barriers that may impede staff making complaints.
  - Reviews existing policies, procedures and practices that govern responses and outcomes, where workplace discrimination, sexual harassment and bullying is found to have occurred in MPS.
  - Reviews existing Human Resources practices within the MPS setting.
  - Refers through appropriate pathways including Human Resources, Tasmania Police, Equal Opportunity Tasmania and/ or the Integrity Commission, for individual allegations by or against staff of MPS that require follow up or investigation.
- 3 With a focus on systemic issues, request that the Commissioner provide a report setting out findings and making recommendations as to:
  - Any actions that should be taken to increase awareness of the impact of workplace discrimination, sexual harassment and bullying and improve workplace culture within MPS, including training and the role of leadership in promoting a workplace culture that does not tolerate workplace harassment.
  - Any changes that should be made to legislative, regulatory, administrative, legal or policy areas to enhance protection against, and provide best practice responses to, workplace discrimination, sexual harassment and bullying within MPS.
  - Any other actions or changes necessary to ensure a safe and respectful workplace free from workplace discrimination, sexual harassment and bullying within MPS and that set the standard for the broader community on best practice workplace policies and procedures that enable safe and respectful workplaces.

# Appendix B

## Key terms and definitions

Term	Definition
<b>Anti-Discrimination Act</b>	<i>Anti-Discrimination Act 1998</i> (Tas)
<b>DPAC</b>	Tasmanian Department of Premier and Cabinet
<b>Independent Reviewer</b>	Tasmanian Anti-Discrimination Commissioner
<b>Ministerial and Parliamentary Services Workplace</b> or <b>MPS Workplace</b>	<p>The workplace includes all Members of Parliament and the people working (in whatever capacity) in or for Parliament House, electorate offices and Ministers' offices.</p> <p>It also encompasses regularly contracted services including security and building and facilities staff.</p> <p>The scope of workplace extends to include work related travel and events.</p>
<b>MPS</b>	Ministerial and Parliamentary Services
<b>Parliamentary Entities</b>	<ul style="list-style-type: none"><li>» The House of Assembly</li><li>» The Legislative Council</li><li>» The Legislature-General</li></ul>
<b>Parliamentary Privilege Act</b>	<i>Parliamentary Privilege Act 1898</i> (Tas)
<b>PCBU</b>	Person conducting a business or undertaking within the meaning of the Work Health and Safety Act
<b>Presiding Officers</b>	<ul style="list-style-type: none"><li>» Speaker of the House of Assembly</li><li>» President of the Legislative Council</li></ul>
<b>Review</b>	The Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture
<b>Review participants</b>	Current and former MPS Workplace staff and employees for the period 1 July 2019 to present (2022)

Term	Definition
<b>Set the Standard</b>	<i>Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces</i> , Australian Human Rights Commission (2021)
<b>State Service Act</b>	<i>State Service Act 2000</i> (Tas)
<b>Work Health and Safety Act</b>	<i>Work Health and Safety Act 2012</i> (Tas)
<b>Workplace Bullying</b>	<p>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.</p> <p>WorkSafe Tasmania defines<sup>3</sup> bullying to mean:</p> <ul style="list-style-type: none"> <li>» <b>Repeated behaviour</b> refers to the persistent nature of the behaviour and can involve a range of behaviours over time. A single incident of unreasonable behaviour is not workplace bullying. However, it may be repeated, or escalate, so should not be ignored.</li> <li>» <b>Unreasonable behaviour</b> means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. It includes behaviour that victimises, humiliates, intimidates or threatens someone.</li> </ul> <p>Examples of behaviour – whether intentional or not – that may be workplace bullying if they are repeated, unreasonable and create a risk to WHS include:</p> <ul style="list-style-type: none"> <li>» abusive, insulting or offensive language or comments</li> <li>» unjustified criticism or complaints</li> <li>» deliberately excluding someone from workplace activities</li> <li>» withholding information that is vital for effective work performance</li> <li>» setting unreasonable timelines or constantly changing deadlines</li> <li>» spreading misinformation or malicious rumours</li> </ul>

<sup>3</sup> <https://worksafe.tas.gov.au/topics/Health-and-Safety/health-and-wellbeing/wellbeing-a-z/bullying/what-is-bullying>

Term	Definition
<b>Workplace Discrimination</b>	<p>Includes discrimination, prohibited conduct and victimisation as defined in the Anti-Discrimination Act with particular reference to sections 14 – 18 inclusive.</p> <p>The definition covered the following types of conduct made unlawful under the Anti-Discrimination Act including:</p> <ul style="list-style-type: none"> <li>» direct discrimination on the basis of 22 attributes;</li> <li>» indirect discrimination on the basis of 22 attributes;</li> <li>» offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of 14 attributes;</li> <li>» sexual harassment (defined below); and</li> <li>» victimisation for making or intending to make a complaint under the Anti-Discrimination Act, giving evidence, alleging a contravention of the Act, and other aspects of victimisation set out under that Act.</li> </ul>
<b>Workplace Sexual Harassment</b>	<p>Sexual harassment as defined in the Anti-Discrimination Act and occurs where a person:</p> <ul style="list-style-type: none"> <li>(a) subjects another person to an unsolicited act of physical contact of a sexual nature; or</li> <li>(b) makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or</li> <li>(c) makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence; or</li> <li>(d) makes any unwelcome gesture, action or comment of a sexual nature; or</li> <li>(e) engages in conduct of a sexual nature in relation to another person that is offensive to that person –</li> </ul> <p>in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed</p>
<b>Workplace Support Contact Officers</b>	<p>Staff who have received training to provide confidential peer-based support and information to those who have experienced or witnessed discrimination, sexual harassment or bullying behaviours, including information about reporting and resolution options.</p>

# Appendix C

## 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 in the Independent Review into Commonwealth Parliamentary Workplaces and the South Australian Equal Opportunity Commission in the Review of Harassment in the SA Parliamentary Workplace.

The Independent Reviewer adopted a mixed method approach to the Review, comprised of the following methodologies:

- » A Survey into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services Workplace
- » Written and verbal submissions
- » Invitations for interviews
- » Meeting with stakeholders
- » Review of existing policies and procedures and analysis of current workplace practices
- » Focused research of approaches taken in other jurisdictions including the UK, federally and in South Australia

Due to the sensitive nature of the content covered by the Terms of Reference, the methodology selected ensured the Review was 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
- » Giving Review participants the right to withdraw their consent

Additional steps were taken to enable the Independent Reviewer to meet these commitments and uphold the principles of safety, confidentiality and consent.

This included the passing of the *Justice Miscellaneous (Independent Review Amendments) Act 2022 (Tas)* by the Tasmanian Parliament to make changes to the *Right to Information Act 2009 (Tas)* and *Archives Act 1983 (Tas)* to protect the anonymity and confidentiality of Review participants.

The Independent Reviewer notes that the changes received widespread support and were made expeditiously.

In addition, all data and personal information obtained from Review participants is strictly confidential. Information provided throughout the Review has been used in a de-identified form in this Report. This includes quotes, extracts from submissions or other documents.

The use of quantitative and qualitative research methods provided a comprehensive base of evidence, which has enabled the Independent Reviewer to make recommendations that reflect the current state of the MPS Workplace.

### 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 is identifiable from the results.

The Survey was a critical tool of the Review. It was strategically designed to engage participants and was successful in doing so.

The response rate was significant, being 56.5% (318/563). Comparatively, this is an excellent result. In South Australia, the Survey response rate was nearly 25%<sup>4</sup>. Federally, the Survey result was 23%.

The Survey included numerous options to provide further information in open text boxes. This was an intentional design, implemented to account for the likelihood that many participants may only engage with the Review process on one occasion.

Using open text boxes enabled participants to provide informal, anonymous and direct 'mini-submissions' where they could provide context regarding their experiences.

This approach provided an opportunity to gather insights from a human lens and from the real lived experience of people working in the MPS. The Independent Reviewer wishes to acknowledge the emotional labour of all Review participants who have engaged and provided insights into their experiences in the MPS Workplace.

The data obtained from the Survey has been analysed and forms part of the evidence base used for recommendations contained in this Report.

## Written and verbal submissions

Review participants and key stakeholders had the opportunity to provide a written or verbal submission between 30 March 2022 and 20 May 2022.

Submissions could be provided anonymously or otherwise.

All submissions are exempt from the application of the *Right to Information Act 2009* (Tas) and unavailable (for 75 years) for public view under the *Archives Act 1993* (Tas).

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

## Interviews and focus groups

Review participants were 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.

The Independent Reviewer also gave consideration to the need to formulate focus groups to engage people who may have been less likely to participate in the Review, or who may have preferred to do so via a group.

However, this was ultimately deemed unnecessary due to the high rate of participation in the other stages of the Review process, including the Survey, submissions and interviews, as well as the review of existing policies and procedures and their application to staff where lower areas of participation were observed.

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

The Independent Reviewer has undertaken an audit of existing policies and procedures used within the MPS Workplace that fall within the scope of the Terms of Reference.

The relevant materials and information has been provided by key stakeholders within the MPS Workplace and includes information regarding current workplace practices such as existing human resources support, content of training, access to policies and complaint procedures.

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<sup>4</sup> 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>.



# Appendix D

## Survey questions and answers

The questions and answer options for the Survey are available on the Equal Opportunity Tasmania website at [www.equalopportunitytas.gov.au](http://www.equalopportunitytas.gov.au).

Alternatively, they are able to be directly requested from Equal Opportunity Tasmania.





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