

Independent Review into Parliamentary practices and procedures to support workplace culture (the Review)

Terms of Reference

1. Request that the Anti-Discrimination Commissioner (the 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:
 - a. Provides a safe and supportive environment that elicits trust and fosters open engagement.
 - b. 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.
 - c. Ascertains whether there is workplace discrimination, sexual harassment and bullying within MPS and understands its nature and extent.
 - d. Ascertains and understands the existing perceptions of workplace culture within MPS.
 - e. Ascertains the existing awareness and understanding of responsibilities prescribed under the *Anti-Discrimination Act 1998* (Tas) within MPS.
 - f. 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.
 - g. Reviews existing complaint and reporting mechanisms available to staff of MPS, and any cultural and/or structural barriers that may impede staff making complaints.
 - h. 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.
 - i. Reviews existing Human Resources practices within the MPS setting.
 - j. 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:

- a. 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.
- b. 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.
- c. 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.

Scope and Definitions:

Workplace sexual harassment: sexual harassment as defined in the *Anti-Discrimination Act 1998* (Tas).

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 *Anti-Discrimination Act 1998* with particular reference to sections 14 – 18 inclusive.

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.

The scope of the Review will include a survey, oral and written submissions.