



**Submission of the Equality Rights Alliance
to the Inquiry of the Joint Select Committee
on Parliamentary Standards
into the Development of Codes of Conduct
for Commonwealth Parliamentary Workplaces**

9 September 2022

The Equality Rights Alliance welcomes this opportunity to contribute to the work of the [Joint Select Parliamentary Committee on Parliamentary Standards](#) inquiring into and reporting on matters relating to the development of codes of conduct for Commonwealth parliamentary workplaces (CPWs), as these workplaces are traditionally masculine domains. CPWs should be as positive, respectful and safe as any work environment.

Equality Rights Alliance

Equality Rights Alliance (ERA) is Australia's largest network of organisations advocating for women's equality, women's leadership and recognition of women's diversity. We bring together 67 non-government organisations and social enterprises with a focus on the impact of policy or service delivery on women. We are one of the six National Women's Alliances, funded by the Commonwealth Office for Women.

The following ERA member organisations endorse this submission in whole or in part:

- Aboriginal Legal Rights Movement
- Alevi Federation of Australia
- Amnesty International Australia
- Australasian Council of Women and Policing
- Australian Baha'i Community - Office of Equality
- Australian Centre for Leadership for Women
- Australian Council for International Development
- Australian Federation of Medical Women
- Australian Graduate Women
- Australian Women's Health Network
- Children by Choice
- COTA Australia
- FECCA Women's Committee
- Feminist Legal Clinic
- Fitted for Work
- Girl Guides Australia
- Good Shepherd Australia New Zealand
- Homebirth Australia
- Human Rights Law Centre
- Immigrant Women's Speakout Association NSW
- International Women's Development Agency
- Jessie Street National Women's Library
- Justice Connect
- Maternal Health Matters Inc
- Maternal Scholars Australia
- Maternity Choices Australia
- Migrant Women's Lobby Group of South Australia
- Multicultural Women Victoria
- MSI Australia
- National Association of Services Against Sexual Violence
- National Council of Churches of Australia Gender Commission
- National Council of Jewish Women of Australia

- National Council of Single Mothers and Their Children
- National Council of Women of Australia
- National Foundation for Australian Women
- NGO Women's Rights & Gender Equality Network
- NSW Council of Social Services
- National Older Women's Network
- National Union of Students (Women's Department)
- Of One Mind
- Project Respect
- Public Health Association of Australia (Women's Special Interest Group)
- Reproductive Choice Australia
- Safe Motherhood For All Inc
- Sexual Health and Family Planning Australia
- Sisters Inside
- Soroptimist International of Australia
- United Nations Association of Australia Status of Women Network
- UN Women Australia
- Victorian Immigrant and Refugee Women's Coalition
- VIEW Clubs of Australia
- Violence Prevention Australia
- Women in Adult and Vocational Education
- Women in Engineering Australia
- Women on Boards
- Women Sport Australia
- Women With Disabilities Australia
- Women's Climate Congress
- Women's Electoral Lobby
- Women's Equity Think Tank
- Women's Housing Ltd
- Women's Information Referral Exchange
- Women's International League for Peace and Freedom

Why this Inquiry matters

ERA's submission is guided by its mandate to reduce gender inequality. As Our Watch states in its [Equality and Respect Standards](#):

Sexual harassment is harmful and unlawful. Research shows that sexual harassment in workplaces is driven by gender inequality.

Women are more likely than men to experience bullying, intimidation, sexual harassment, and sexual assault. The impacts are far reaching for women. They include a loss of confidence, adverse effects on relationships, mental health and wellbeing and an ability to hold down a job.

While there are current standards and accountability mechanisms in CPWs, they are patchy and lack enforcement in practice. What exists is confusing. MOP(S) Act employees do not operate in departmental structures or under legislated employment

values and codes of conduct. While ministers (not all parliamentarians inclusively) are subject to a Statement of Ministerial Standards, they are in the control of the Executive.

We are pleased that the Committee is advancing the 2021 Australian Human Rights Commission (AHRC) *Set the Standard* report which made the case for change so CPWs, places of considerable power and influence, always lean towards safety, respect and accountability. There must be repercussions for breaking codes. This is of utmost importance to restore public trust in the Australian Federal Parliament, certainly in the wake of the #MeToo movement and an alleged case of rape that raised concern about just how dangerous the parliamentary workplace can be for women. The stories that emerged from the Australian Parliament were felt by women everywhere, prompting the concern - 'if it can happen there, it can happen anywhere'.

Codes as part of a comprehensive response

We support the broad terms of codes as proposed in the report produced by the office of the Sex Discrimination Commissioner. We support the mechanisms recommended around it also, to engineer positive change; an **Independent Parliamentary Standards Commission (IPSC)** to operate a fair, independent and confidential system to receive disclosures and handle complaints and the connected but separate **Office of Parliamentary Staffing and Culture** to advise and support staff and parliamentarians as employers of staff, to support staff wellbeing and reports back to parliament.

Underlying the historic problems of culture

This is about culture. The workplaces of the Commonwealth Parliament are like other Westminster parliamentary systems in that they share a number of inherent characteristics, including:

- A long-standing myth (now being busted) that parliamentary workplaces are gender neutral spaces;
- The historical operations of major parties that have not actively sought women candidates;
- A culture of long and stressful hours that people are expected to work;
- A context in which sexism and sexual harassment (as well as racism, homophobia and transphobia) are deployed as tools to establish social hierarchy and dominance;

- A style of parliamentary and public debate that favours a masculinised style of presentation - loud, argumentative and brash, embracing intransigence and bullying; a style detrimental to women actors;
- Embedded assumptions in the public service, even though it is female dominated, that are inherently masculine; and
- Various parliamentary privileges that create a culture of entitlement.

As such, codes must be understood in the explained context of the effects of power and authority on interpersonal relationships, including sexual relationships. Internationally, it is now well recognised that **parliamentary codes need to spell out and prohibit workplace harms such as sexual harassment and bullying**. This is true in Canada, New Zealand, Scotland, and the United Kingdom where Westminster systems are most similar to Australia.

Codes must be integrated, not adjunct

The codes should not be an add on. But they will be of limited value if they are nested inside intransigent ways of working that prop up patriarchal norms.

We therefore asked ourselves - in drafting recommendations (and urge the Committee to also be guided by) - the following interrelated questions in regard to the development of any codes of conduct:

- In what ways might they respond to the wider problems of sexism and sexual harassment in the Australian parliament?
- How might the codes be developed with the end goals in mind: enacting a safe, equal and inviting workplace for all genders (positive gender-friendly institutional change)?
- How might they deal with the broader organisational workplace norms that are predictors of sexism, bullying and sexual harassment in the first place?

Codes need to be well designed precisely because they have been resisted in the past and may be resisted again. Parliaments have resisted regulatory intrusion. Attempts before this to introduce a parliament wide code of conduct were repeatedly rejected with preference given to the status quo - regular free and fair elections as the 'best' scrutiny mechanism for the conduct of parliamentarians.

ERA's submission is informed by the international experience and the Australian National University's Global Institute for Women's Leadership's [Submission](#) to the Independent Review of Commonwealth Parliamentary Workplaces.

RECOMMENDATIONS

Overall, the codes should:

- **Be simple**, as simple codes are likely to be more effective;
- **Spell out briefly why it matters (what it aims to address);**
- **Headline its basis in universal human rights;**
- **Spell out workplace harms** to prohibit them, generally explain what is acceptable and professional and what is not;
- **Spell out the consequences** of breaking a code with improved sanctions;
- **Be backed by an independent and confidential reporting and complaints process with clear communication about who to report to and clear lines of responsibility;**
- **Minimise the adversarial politics of the chambers;**
- **Include alcohol protocols;**
- **Secure cross-party support;** and
- **Be ready the new parliamentary year, 2023** and presented at the start of every parliamentary session to reaffirm expectations.

DESIGN

1. The codes of conduct should be co-designed with a diverse group of APS employees, parliamentary staff and other employees of CPWs to gain perspectives from different employee levels and ensure representation and intersectionality.
2. The codes should cover all in parliamentary workplaces – including visitors, non-MoP(S) staff, interns, volunteers and journalists.
3. Codes of conduct should carefully define the problems they seek to address (what constitutes sexual harassment, bullying etc.) define key terms such as

bullying, intersectional discrimination etc., and spell out and prohibit workplace harms such as sexual harassment and bullying.

4. Codes of conduct should have explicit provisions protecting staff and members against sexist remarks (derogatory names, sexist insults), sexual harassment and threats of violence from other staff and members.
5. Any code of conduct must be consistent with and operate to support the second national plan on violence against women.
6. The codes should apply to interactions between parliamentarians, as well as between parliamentarians and their staff and between workers in all CPWs.
 - That would cover interactions and conduct of parliamentarians in both chambers including Question Time and matters raised under parliamentary privilege.
 - The tone, manner and intention of speakers would be subject to the relevant code covering parliamentarians, in an approach consistent with that of the UK House of Commons and Scottish Parliament.
 - The codes should cover all use of technology that can facilitate abuse, including social media, emails, and other communication channels (We know that women politicians have to deal with frequent inflows of sexual vilification and threats on social media).
 - The codes should include protocols around alcohol and other drugs as part of a prevention strategy
7. Codes of conduct must recognise the effects of intersectional disadvantage or discrimination eg: sexual harassment of women with disability and/or of colour that might manifest differently and require different responses.
 - While allowing for robust debate the code/s should ensure that the parliamentary chambers are safe places; do not contribute to the exclusion of women, First Nations people, LGBTIQ+ people, CALD people, or people with a disability.
8. Codes of conduct and procedure around it must be trauma informed.
9. Codes of conduct should be based in a human rights framework (including CEDAW) and be aligned to ILO Convention 190. It should also be consistent with relevant workplace laws, including anti-discrimination legislation.

10. The Committee should consider whether to recommend an amendment to the Standing Orders of Parliament, so it becomes a permanent set of codes/rules.
11. The codes should draw on current existing best practice including that published by Our Watch.
12. The codes should include whistleblowing protections.

BREACHES AND REPORTING

13. There should be multiple entry-points for disclosures and complaints (with options of written, verbal, phone, in-person, online etc., and anonymity if requested) and clear pathways for action with resourced case management.
14. To address the problem of compound under-reporting, a person who alleges misconduct and the accused are entitled to a timely resolution with a mediation process that respects all parties/players, negotiated outcomes that stem from a range of remedies, sanctions, and an appeals process.
15. It must be clear who a complainant can complain to and that that person/body is independent of parliamentary workplaces.
16. A person who comes forward to claim misconduct should have access to counselling and given the option of a support person to assist them in the process going forward.
17. We urge the Committee to consider including a scheme similar to the EU system in which European Parliament members sign a declaration that they will comply with the code of conduct and failure to do so disqualifies a member of parliament from participating in official delegations.
18. Investigation of breaches must be conducted by a genuinely independent body - the Independent Parliamentary Standards Commission as recommended by the Sex Discrimination Commissioner - and be supported by a Federal Integrity Commission.
19. Reports of misconduct should be securely filed, and the independent complaints body should report back to the parliament annually for public reporting on the substance of matters raised and actions taken, identifying patterns of informal

and formal reporting and the kinds of evidence about workplace conduct to paint a picture of the problem.

20. Disciplinary action must be disclosed.

- Privacy should not be given if parliamentarians, employed by the taxpayer, and their staff have been found to have breached a code.

21. Disciplinary action must be timely.

22. Victims who return to the workplace after reporting and resolution should be able to resume their role without any repercussions and have the option of a third-party observer to connect with and raise any concerns after a period of time.

23. The Australian Human Rights Commission should have the remit to follow up with complainants about other potential courses of action, regardless of the outcome.

RESOURCING / TRAINING / IMPLEMENTATION

24. Codes of conduct should be supported by a strong and well-resourced training program for both existing and new employees and parliamentarians which covers both obligations and rights.

- The training should be compulsory;
- All elected members should be briefed on the codes at the start of every new parliamentary year and at the start of each term provided with training (and all office managers, as well as party caucuses) about preventing harm;
- The codes should be well communicated with regular discussions between parliamentarians and staff, party leaders, heads of departments and staff, to set expectations;
- Training should be consistent but also tailored for people with different roles in CPWs; and
- Complainants should not experience the quagmire of 'process'. They should have their concerns dealt with in a responsive way, experience systems that are accountable and receive support making and resolving complaints.

25. Codes of conduct should be supported by a gender equality action plan to improve the diversity of the workforce profile in both the APS and the parliamentary staff and reduce the risk of violence against women in the workplace.

REVIEW

26. The codes should be subject to regular review either by an independent body or cross-party committee.

27. Reviews should include staff contributions and self-assessment to encourage reflection on practice and reinforce adherence to the standards.