



Australian  
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**SUBMISSION TO THE  
INDEPENDENT REVIEW INTO  
COMMONWEALTH  
PARLIAMENTARY  
WORKPLACES**

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Thank you for the opportunity to make a submission to the Review. This submission draws on research I have undertaken on the work of political staff, including a series of interviews with former staffers.

### **Problems in parliamentary workplaces**

There are currently more than 2,000 staff employed under the *Members of Parliament (Staff) Act 1984* (MOPS Act). They experience unacceptable levels of workplace bullying, sexual harassment and sexual assault. The situation is complex: staff can be both the victims and perpetrators of poor conduct and the workplaces staff inhabit are numerous. The majority of MOPS staff work for parliamentarians in electorate offices (68%) and most MOPS staff are female (57%) (Commonwealth of Australia 2021:20). Similar problems have been identified in other jurisdictions such as the UK, New Zealand, NSW and South Australia. This indicates that the underlying causes (both structural and cultural) are commonly seen in political workplaces.

### **Members of Parliament (Staff) Act**

The *Members of Parliament (Staff) Act* (MOPS Act) creates an extreme power differential between staff and employing parliamentarians. Under the Act, staffers are employed directly by parliamentarians on behalf of the Commonwealth. They are Commonwealth employees, paid by the taxpayer, but are not public servants and don't enjoy the same rights and protections. They can lose their jobs if they 'lose the confidence' of the parliamentarian. Their precarious tenure means staffers face high stakes decisions about making complaints and invoking the workplace protections that exist for them.

If they complain about misconduct the Department of Finance may investigate and make recommendations, but it is up to the employing parliamentarian to take action. This can be problematic when the MP or Senator, or a trusted senior staffer, is the subject of the complaint. While the Department of Finance can support staff experiencing workplace issues, the power to resolve them remains within the purview of each office. There are 227 employers and limited ability to compel them to act in relation to their staff.

The Prime Minister currently has powers that could be used more forcefully. Under the Act parliamentarians employ staff 'subject to such conditions as are determined by the Prime Minister'. It is recommended that the Prime Minister use these powers to set conditions for the employment of staff, such as a requirement for the employing parliamentarian, and the potential staff member, to sign up to a binding code of conduct and to have completed training in the prevention of workplace bullying and sexual harassment. Cooperation with misconduct investigations could also be mandated. For the Prime Minister to use such powers to restrict employment would require buy-in and support from all parliamentary parties and Independent members. The Prime Minister would need to be advised by a Cross-party Conduct Committee established to ensure the wellbeing of staff and to promote a safe and inclusive parliamentary workplace.

Alternatively, the MOPS Act could be amended to introduce another body into the employment relationship, which currently only involves the staffer and the employing parliamentarian (and the Prime Minister, as above). This actor – an Independent Conduct Commissioner for example - could represent the interests of the Commonwealth, on whose behalf staff are employed. If the body were a Cross-party Conduct Committee this would vest some employment powers in the legislative arm of government. Broadening the employment relationship under the Act would enable bodies outside the individual office to have a legal interest in, and some influence over, the parliamentary workplace.

### **Code of Conduct and an independent standards body**

The anger felt by staffers I interviewed was driven by the lack of accountability of parliamentarians for their poor conduct and the lack of consequences they faced when their misconduct was well known.

A Code of Conduct expressly prohibiting bullying and sexual harassment must be created for all those who work in parliament and political offices. These standards must be enforced by an independent standards body. The work of the independent body must be supported by a Cross-party Conduct Committee.

Codes of Conduct have been developed in other jurisdictions which could form the basis of the Code. In the European parliament Members must sign a declaration confirming their commitment to complying with a Code of Conduct. Members who do not sign the declaration may face sanctions, such as not being elected as officeholders of parliament or not being allowed to participate in official delegations (European Parliament 2019).

The Code of Conduct must apply to staffers. The current *Statement of Standards for Ministerial Staff* is an ineffective and secret form of regulation. Bringing political staff under a more public and independent form of regulation is a major change to which all political parties must commit.

There is chronic underreporting of misconduct in political offices, due to many factors such as fear of dismissal, loyalty, lack of confidence in the process and lack of knowledge about standards and obligations. Often staff only feel able to complain after they have left their employment. For this reason it is vital that complaints from former staff are investigated by the independent standards body. This was a strong recommendation of the White report in the UK which stated that ‘the very fact that staff can complain ... after they have left may also inhibit some of the MPs who would otherwise bully and harass their staff without fear of the consequences’ (White 2019:36).

### **Greater professionalism and recognition as public sector employment**

One of the major problems for staffers is that many parliamentarians see their offices as private spaces. The identities and conduct of staff are seen as part of a private world, not a public world. This can breed a sense of entitlement amongst parliamentarians and staffers to act with impunity outside of rules and regulations. What happens inside offices is framed as

only the concern of the employing principal. Yet these are publicly funded positions; staffers undertake public sector work and are subject to general employment laws. They should be seen as a group of around 2,000 staff employed in the public sector.

The current secrecy around MOPS staff is corrosive and enables the cover-up of poor conduct. All political parties are complicit in this secrecy, which is different to the openness about the identities of staffers seen in many other countries such as the UK or Canada.

Recognising that staffers are employed in the public sector will bring greater professionalism to their working conditions. Some staffers I interviewed told me they were given no job description. They reported that jobs in political offices were rarely advertised and were filled using informal recruitment practices. There should be detailed employment policies and procedures similar to other public sector workplaces. Bringing greater professionalism to the work of staff and recognising that it is public sector work is important in improving the safety of the parliamentary workplace. Blurred boundaries between the personal and the professional create risks for staffers. Treating political offices as private, secret workplaces contributes to the acceptance and normalisation of poor conduct.

### **Training and career development**

It is important that there is training on preventing bullying and sexual harassment, the obligations of workplace laws and the new Code of Conduct. A report on bullying and sexual harassment in the legal profession found that staff at workplaces with such training were significantly less likely to have been bullied or sexually harassed in the past year (Pender 2019: 101).

Training is also important for improving the professionalism within political offices. Some staff report there are few opportunities for career development and for enhancing their skills and experience. MOPS staff are an important resource for Parliament and for government, and therefore the community. Yet they can feel they are treated as expendable and when no longer deemed useful they can feel 'cast aside'. There must be a greater commitment to developing the careers and skills of staffers as a group of workers. Political parties need to take responsibility for the career development of the staffers who work for them.

### **Cross-party commitment to improving gender equality in parliament**

The problems of bullying and sexual harassment experienced by staffers cannot be divorced from the broader context of problems experienced by women in the parliamentary workplace. While male staffers are also subject to such misconduct, reports show it is more commonly experienced by female staff. There is a need for culture change to create a workplace characterised by civility, respect and professionalism. That will not occur without a strong commitment from all political parties and Independents to work towards a safer, more inclusive and equal workplace for all parliamentary workers. Culture change will take time, and must be driven by a cross-party committee, such as a Gender Equality Working Group that may also include experts from outside parliament. Adopting the norm

framework of Gender Sensitive Parliaments is an important first step in improving the experiences of women who work in parliamentary workplaces (Palmieri 2011). Creating new rules and structures will only go some way to improving the workplace; transforming the culture of parliament is also necessary.

## **References**

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