



Intersection

Independent Review of Workplace Culture

of the Productivity Commission

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Independent Review of Workplace Culture of the Productivity Commission • 2023

Contact details

www.intersection.work

admin@intersection.work

Design and layout

[Holy Cow! Creative](#)

Intersection Pty Ltd respects and honours Aboriginal and Torres Strait Islander elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

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Introduction, Methodology and Context

1.0 Introduction

Australian workplaces are continuing to recognise the benefits of fostering respectful and safe environments, including staff retention and organisational performance.¹ Standards for workplace conduct continue to be enhanced through legislation and policy reform. This includes the recent passing of the *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022* (Cth) introducing a positive duty on employers to prevent sexual harassment in the workplace² and the introduction of the model Code of Practice for Managing Psychosocial Hazards at Work.³

The Productivity Commission (the Commission) was established as an independent statutory body in 1998. The Commission is located across two sites, one in Canberra and the other in Melbourne, with a current average staffing profile of 164.⁴ In undertaking complex and rigorous research as a highly-regarded advisory body to the Australian Government, staff wellbeing and psychosocial safety is imperative to ensuring ongoing delivery and optimum performance.

Intersection Pty Ltd was engaged by Australia's Department of Treasury to undertake a review ('the review') of a complaint regarding the culture of, and conduct at, the Commission, including allegations of sexual harassment and a culture of sexism.

The scope of the review included an assessment of the Commission's internal management practices regarding allegations relating to sexual harassment, sexism and other inappropriate behaviour. In conducting this review, and in recognition of the fact that sexual harassment and sexism do not take place in isolation, the scope extends to inappropriate workplace behaviour⁵ which includes all forms of harassment (physical, verbal, sexual), physical and verbal abuse, bullying, discrimination, a hostile work environment, and victimisation.

Accordingly, the scope included identification of opportunities to prevent and respond to incidents of sexual harassment, sexism and other inappropriate workplace behaviours, in line with leading practice.

This report presents the findings of consultation with current and former staff and a review of policies and other related information provided by the Commission.

2.0 Methodology

The review was undertaken between 2 February 2023 and 1 August 2023 with both current and former Commission staff provided the opportunity to participate in a one-on-one interview with the reviewer or via written submission by email. A total of 26 current and former Commission staff participated in interviews (in some instances more than one interview was had with a participant) and 11 written submissions were received via email.

Review participants were provided with the option of participating in an identified, confidential or anonymous basis. Almost all participants (25 of the 26) requested that their identity remain anonymous for the purpose of this report. Accordingly, this report is informed by those qualitative interviews and any quotes or other information used is de-identified to maintain anonymity.

The participant group includes staff from across most public service classification levels (APS4 to SES Band 3) and with varying tenure at the Commission from 2003 to the present. An appraisal of the Commission's relevant policies and procedures, training, and communications materials was also undertaken and included:

- Workplace Behaviour Policy and Procedure (2021)
- Workplace Behaviour Policy (former) (2016)
- Procedures for determining breaches of the Code of Conduct and for determining sanctions (2021)
- Public Interest Disclosure Procedures (2021)
- Performance Management Policy (2019)
- SES Performance Management Policy (2022)
- Acceptable use of ICT resources (2022)
- Media Handling Policy (2023)
- Privacy Policy (2022).

The following training materials were reviewed to understand the scope of information covered only (an assessment of the quality of the content was not undertaken):

- Workplace Behaviour Training (all staff) — Respect at Work (2022)
- Workplace Behaviour Training (management) — Respect at Work (2022)
- Harassment Contact Officer Training (2021)
- Workplace Behaviour Training (management) (2021)
- Workplace Behaviour Training (all staff) (2020)

Additionally, documentation relating to de-identified complaints, recruitment and on-boarding, information provided to management (including reports to the Management Committee), and staff communications were requested and reviewed.

2.1 Note of thanks

Intersection adopts trauma-informed practice in the conduct of such reviews and recognises that sharing of personal experiences of inappropriate behaviour can be difficult and distressing. Intersection is grateful to the former and current staff members of the Commission who made themselves available to share their experiences and provide honest appraisals of organisational policy and practice.

The responses from Commission management and senior staff to various requests for information are appreciated.

3.0 Context

3.1 General observations on the Commission's culture

Every workplace is experienced differently by the employees in it. The Commission is no exception and in this review, a full range of experiences, both positive and negative, were reported.

Intersection observed a strong sense of pride in the work of the Commission by both former and current employees, with a number citing the unique and highly specialised nature of the work. For economists in particular, the Commission represents the pinnacle workplace to contribute to public economic policy. Given the specialised and unique nature of the work, attracting and retaining the best talent is key to the Commission's success, reputation and relevance in government and policy decision-making.

Between July 2021 and June 2022, almost 27 per cent of staff separated from the Commission.⁶ While it is not possible to establish causation, Intersection identified elements of the workplace culture that may be impacting staff tenure and the experiences of inappropriate workplace behaviours.

Importantly, some participants spoke very positively about the Commission and its culture, particularly in relation to the closeness of staff, with one participant stating:

'I think that workplace behaviour [at the Commission] is generally of a very high standard'.⁷

Distinct sub-cultures: Canberra and Melbourne

Almost all participants spoke to the clear differences between the Canberra and Melbourne offices, noting that 'the culture is completely different'.⁸ The formation of sub-cultures in any organisation is not unusual nor is it necessarily a negative feature. The challenge is to ensure that sub-cultures are aligned with the overarching workplace values and standards of behaviour. Concerningly, the presence of inappropriate workplace behaviours was identified in the Canberra office with a reported 'blokey, hyper-masculine culture'⁹, and the Melbourne office having a 'much more inclusive culture'.¹⁰

It is noted that despite this qualitative feedback, the data shows that Melbourne had a much greater number of separations every year between 2019 and 2022 (67 compared to 28), with resignation the most common reason. Additionally, there was an even split of the 12 recorded incidents in the Central Workplace Behaviour Register from July 2021 across the two locations. These 12 complaints were in addition to the 9 'workplace behaviour concerns' raised since February 2018.

3.2 Allegation of a culture of sexual harassment and sexism

This review takes place following an allegation of a culture of sexual harassment and sexism. In investigating this allegation, the review sought to establish whether the allegation related to one or more incidents, the length of time the allegation referred to and the number/s of people involved to understand the nature and extent. In conducting inquiries it became apparent that there were a number of incidents that took place in Canberra involving a small number of people. These incidents had significant impacts on affected individuals, that led to the allegation of sexual harassment and sexism being made. Inquiries made during the course of this review revealed a number of other inappropriate workplace behaviour incidents.

Key Findings

4.0 Key findings

The Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces Respect@Work report identified systemic drivers of sexual harassment in the workplace and presented a new framework for enhancing the prevention of, and response to, sexual harassment. This framework is equally applicable to all inappropriate workplace behaviour. A key element of the framework is the identification and mitigation of workplace specific risks that may contribute to incidents of inappropriate behaviour.

In conducting this review, Intersection has applied the Respect@Work framework to assist the Commission to achieve leading practice in the prevention of and response to future incidents. The drivers and risks of inappropriate workplace behaviour identified in the Commission's workplaces are detailed below.

4.1 Drivers

Drivers of inappropriate behaviours are those structural and systemic factors that create an enabling context for those behaviours to occur. Drivers exist at a societal level more broadly and are therefore found both within and outside the workplace. In the context of the Commission, the drivers of inappropriate behaviour were found to be a lack of diversity (and corresponding inequality), a lack of accountability, and power imbalances.

Lack of diversity and corresponding inequality

The representation of women in leadership roles and more broadly across the Commission was raised positively by a number of participants, with some referencing this as a disqualifying factor in relation to reports of sexism and sexual harassment at the Commission.

Improvements in the representation of women within the organisation are a product of concerted efforts from 2006, including the establishment of Gender Imbalance Working groups which aimed to examine barriers to employment and promotion and opportunities to address these obstacles. These advances in gender equality and representation of women are to be commended, particularly given the history of more men than women studying and working in economics. Of note, Intersection was advised that of the Commission's Senior Executive Service (SES) profile, 72 per cent are women.¹¹

This strong representation of women in leadership, however, cannot be used to discount a workplace culture where sexual harassment, sexism and other inappropriate workplace behaviour occurs. As noted in one submission, 'these sexist views can certainly have a negative influence, even when they are held by a minority of staff'.¹²

This review has found that in the Canberra office in particular, male dominance has significantly impacted the workplace culture. A number of participants spoke to the dominance of certain groups within the office, with one male participant stating 'I could definitely see that, that kind of exclusive, blokey culture and I had other staff come to me...with concerns about that group and culture and feeling excluded...'.¹³

A lack of broader racial/cultural and disability diversity at the Commission was also identified. While diversity data was requested, the Commission was unable to provide reliable data in this regard. It is noted that this is not uncommon in workplaces more broadly.

Lack of accountability

Most participants shared that reports of, or witnessed incidents of inappropriate workplace behaviour were not effectively or proactively handled by senior management, with the workplace culture described as 'permissive'.¹⁴ Other participants stated:

'...it is consistent with the culture that when things go bad, there is not really a good way to deal with it'.¹⁵

'Any allegations like bullying and sexual harassment, management just want it to go away and the way they make it go away is by ignoring it'.¹⁶

While some staff shared that they felt comfortable raising issues relating to inappropriate workplace behaviour, including sexism and sexual harassment, most were not confident that it would be resolved or handled effectively, particularly through line management and senior executive staff.

Reported inaction included discounting or minimising the impact of inappropriate workplace behaviour, limited follow-up of reports or communication of issues, and delays to reporting processes and action.

Many participants spoke positively of the Chair and former Head of Office seeking to understand issues of sexism and sexual harassment following a declaration made at the 2021 Canberra Christmas party. However, while initially confident these meetings might result in change, participants expressed disappointment in what they viewed as limited action and communication subsequent to those conversations. Commission management did note that actions had been taken in response to this process but acknowledged that perhaps these had not been communicated as clearly as people would like.

Power imbalances

As a statutory authority, the structure of the Commission includes a Chair and between 4 and 12 Commissioners, appointed by the Governor-General for periods of up to five years.¹⁷ By virtue of their seniority, Commissioners have a leadership role and ultimately influence the workplace culture. When the Commission undertakes a reference, typically one or two Commissioners are appointed to that specific reference for the life of the project, providing strategic advice and direction (though not directly supervising Commission employees which is the role of the Senior Executive appointed to the project). The nature of projects means that all those assigned to the project work closely together and have frequent contact.

During the course of the review the conduct of Commissioners was raised by a small number of participants. While on the whole, participants considered that Commissioners largely conducted themselves in a respectful and professional manner, there was reference to occasions where Commissioners failed to meet the expected standards of behaviour, akin to bullying and/or verbal harassment.

Whilst Commissioners are appropriately covered by the Commission's workplace behaviour policy, it must be recognised that due to the power imbalance, there will be a reluctance by employees to call out this behaviour or to report it.

4.2 Risks

Risk factors in the context of inappropriate workplace behaviours are those context specific features, that when combined with drivers (outlined above), can influence the prevalence of inappropriate behaviour. The following risk factors at the Commission were identified in this review.

People-leadership deficit

Proactive and deliberate leadership that values diversity and inclusion is critical to ensuring workplaces develop and maintain cultures that are safe and respectful. This requires recruitment into roles based on values and behaviours and ongoing investment in leaders to build people-leadership skills.

Review participants noted that certain technical skills were prioritised over people management skills in promotion rounds, negatively impacting the quality of management.

*'...the sense has always been that management will do very little where a staff member has strong economic skills and/or has been with the Commission for a long time [and] behaves in an aggressive and unprofessional way that belittles others and makes them feel uncomfortable. This behaviour has always involved male staff behaving poorly towards female staff.'*¹⁸

While the prioritisation of technical skills is not in and of itself problematic, it is critical to ensure that all leaders are equipped with the capability to effectively and appropriately manage people.

It is noted that generally, Intersection received positive feedback on the leadership of the current Chair. With respect to the most senior executive roles, there were mixed views about people-leadership capability including several comments that while people may have very good intentions, leadership skills in some senior personnel were lacking. The specific examples provided of incidents of inappropriate workplace behaviour and the lack of action or accountability subsequently taken by leadership over a number of years, indicates a people-leadership deficit.

High-performance culture and contestability

The Commission was described throughout consultation as a unique workplace that prides itself on high-performance, a common feature of which is the 'work hard, play hard' culture.¹⁹

A feature of this high-performance culture as explained by participants is the contestability of ideas to inform robust research and recommendations. While almost all participants considered this to be critical to the quality of the Commission's work, many former employees raised concern with the sometimes adversarial nature of this contestability, with one participant describing it as a 'masculine aggressive approach to intellectual rigour'.²⁰ It was further noted that while some staff members thrived in these dynamics, other male and female participants found it to be intimidating and felt that it had the potential to set the tone for broader team dynamics that were problematic and may contribute to inappropriate workplace behaviours. Another participant stated that, 'a policy discussion would often become a win at all costs scenario, where it was disrespectful and created a hostile environment'.²¹

The review also heard that respectful challenge in this culture of contestability can be achieved:

*'Testing, discussing and deliberating ideas is an important part of the Commission's work. This can lead to adversarial conversations/interactions, which can create environments where some men are more comfortable and vocal than some women. The teams I have been a part of have steered away from this approach while still having many conversations where people had very strongly held differing opinions. I have also been part of teams where multiple team members had their 'antennas up' about the welfare of team members.'*²²

Short-term project delivery and workload

Many participants spoke of the short-term nature of project work at the Commission, with staff being 'passed from project to project to project'.²³ The delivery model and consequent workload is referenced here given the reported impacts on staff wellbeing, psychosocial safety and inappropriate workplace behaviours.

The model of team-based work for a specific reference usually of 12–18 months duration, was identified as a reason for not taking action on inappropriate workplace behaviours or poor team dynamics, because everyone in a project team will be moved on following completion of a project. Therefore, there was a tendency due to time pressure to ‘push on through’ rather than address behavioural issues in real time. One participant noted:

*‘When staff and branch heads have raised concerns around workload and burnout, the attitude seems to be that it’s normal. The workload on my last project was not reasonable or what I would consider to be in the normal expectation of the way we work. Changes and ideas of new ways of doing things are suggested but there is no action or buy in from senior management’.*²⁴

Additionally, some participants identified that this short-term focus led to limited professional development and staff disempowerment, with tasks being reallocated without warning due to delays in delivery or differing opinions on content. As stated by a participant, ‘If people were deemed not to be performing well, there was no support, work was just taken off those individuals’.²⁵ This relatively frequent movement of staff also results in different supervisors and potentially inconsistent performance reviews. While Commission management considers that there are processes in place to manage this, including meetings between different supervisors in any one year to discuss performance of the individual, it is noted that the need for greater consistency in performance management practice was similarly identified in the 2022 APS Employee Census Results.²⁶

4.3 Experiences of harassment, bullying, discrimination and victimisation

The drivers and risks identified above at the Commission combine to increase the risk of inappropriate behaviour. During the course of the review, a number of incidents related to harassment, bullying, discrimination and victimisation were disclosed. A large majority of these were not reported internally through a formal complaint, though some were reported informally to senior staff.

A large number of review participants, both current and former, noted that ‘the Canberra office has been known for having a permissive culture with respect to sexism and sexual harassment’ and that women from the Melbourne office travelling to Canberra for periods of work were routinely warned ‘to watch out for predatory behaviour’ by certain individuals.²⁷

To the events surrounding the allegation leading to this review, it appears that there was a small group of men who set and dominated the culture within the Canberra office.

One review participant reported being subjected to repeated sexism, belittling, humiliation, and verbal abuse. This behaviour included:

- overt sexist criticisms of female Assistant Commissioners, including that they were promoted on the basis of their gender rather than merit;
- degrading the participant’s performance including saying to them that he ‘didn’t expect them to last much longer at the Commission and therefore the Commission should not be investing in them’;
- referring to the participant’s work as ‘pathetic’;
- tasking the participant with work to complete in unrealistic and unreasonable timeframes; and
- undermining the participant’s performance over the telephone to a third party.²⁸

In other reflections about the culture, another participant reported that they observed over a period of one to two years a number of women leaving the organisation and confidentially disclosing that they were ‘sick of having their intelligence undermined’ and that ‘their views were not received in the same way men’s views were received’.²⁹

Review participants also noted that race played a role in experiences of inappropriate behaviour at the Commission. It was reported that a number of culturally diverse women felt particularly excluded from the workplace culture and described their experience as being 'unseen and unheard'.³⁰

With respect to discriminatory behaviour, the review heard of examples (in both Canberra and Melbourne offices) where people with disability (temporary or permanent) were not afforded the requisite reasonable adjustments as required by law in order to carry out their work.

As noted above at Section 2.0, all but one of the review participants requested that their engagement be on a confidential basis. A number cited fear of victimisation as being a core reason for this.

Commission responses to inappropriate behaviour

The large majority of this aforementioned inappropriate workplace behaviour seems to have either gone 'under the radar' of management or not been addressed when it was brought informally to management's attention at the local level. Consequently, the accumulation of inappropriate workplace behaviour incidents over a number of years has escalated and resulted in a workplace culture that was psychologically unsafe for a number of staff, particularly women and those from minority groups. In one submission received it was noted:

'I've worked at the PC since [date], and throughout that time a small minority of men behaved in inappropriate ways towards their female colleagues. If management ever took action about the inappropriate behaviour, it was ineffective, as the behaviour continued'.³¹

There has been a missed opportunity by leadership to take preventative action to re-set the culture and proactively communicate behavioural expectations and consequences for breaches. As noted by a participant:

'What saddens me is this: we know the solutions (openness, transparency, sanctions for bad behaviour) in the abstract and would recommend them in our reports. But management has shown itself to be unwilling or unable to apply those solutions when it comes to real instances of inappropriate behaviour affecting PC's female staff'.³²

In a small number of instances formal complaints were made of inappropriate behaviour. It is Intersection's view that these formal matters were investigated utilising the process outlined in the workplace behaviour policy and procedure. While it may be the case that procedure was followed, reliance on process is one element of response, there is also a need to ensure that no further harm is caused to complainants. Unfortunately, however, evidence provided to this review suggests that there was a lack of a trauma-informed response for those who did come forward.

It is also notable that a number of participants felt that they did not know where they should go to report an incident either informally or formally, stating:

'You don't know what the correct procedures or avenues are if something happens to you. It is very isolating'.³³

'I was never provided with information about reporting avenues' (following an incident and conversation with HR).³⁴

The Commission does have Harassment Contact Officer (HCO) roles in both Melbourne and Canberra, however, their roles did not appear to be well understood by employees and management. The review also heard that the scope of the HCO role was poorly defined with 'little or no investment in training and awareness ... not well utilised ... and the role as defined offers no support to affected staff members and no ongoing involvement or assistance through a relatively daunting process'.³⁵

Human resources: A 'black box'

A number of participants referred to the Human Resources (HR) team as a 'black box', referencing limited responses to, or updates on, incidents of inappropriate workplace behaviour and on proactive actions to address its prevalence. This appears counter to the detail provided in the Central Workplace Behaviour Register with HR support recorded as being provided in all 12 former and current complaints.

Some participants reported feeling interrogated by HR³⁶ and one in particular reported feeling victimised³⁷ following reports of inappropriate workplace behaviours, with the primary concern being procedural justice for the person alleged to have engaged in inappropriate workplace behaviour.

Concern about the minimisation of people's experience by HR was raised with a number of participants citing HR/management reference to 'gossip' in the context of inappropriate behaviours.³⁸

There were also reports of HR not adequately or appropriately supporting supervisors in managing staff exhibiting inappropriate behaviours.

Intersection considers that the resulting effects of the above issues may be that some staff do not feel comfortable to report or disclose their experiences and this reluctance should be a factor when considering recorded complaint data. As one participant noted, 'a mismanaged response can have a significant effect on women coming up through the organisation and the role they choose to play or not as by-standers in the future'.³⁹

A number of participants noted that a HR presence in the Canberra office would be preferable in order to seek advice and effectively respond to issues in real time. It is understood that this is already being progressed by the Commission with the introduction of an ongoing staff member in July 2022.

4.4 Policy, training and education

A review of the Commission's policies and procedures, training, and communication materials was undertaken to support the review.

The Workplace Behaviour Policy was updated in mid-2021 and was a much needed improvement to the previous 2016 version. Intersection considers this policy to be largely consistent with leading practice identified in the Respect@Work report providing multiple reporting avenues, and including anonymous reporting options. The previous version contained wording on whistle-blowing which has been removed and is now included in the comprehensive 'Public Interest Disclosure Procedures' policy.

To support awareness and understanding of the new policy, the Commission rolled-out a significant suite of mostly online training between 2021 and 2022 relating to workforce behaviour, diversity and inclusion, and cultural capability. Training has been tailored for the relevant cohorts including all staff, contact officers, management and Commissioners.

These efforts are to be commended, however, Intersection notes that there remains the need to regularly reinforce messaging on behaviours, options for reporting and continually build skills for managing people and incidents as people progress through the organisation.

Conclusion and Recommendations

5.0 Conclusion

This review provides insights into the culture of the Commission, corresponding response to complaints, and opportunities for improvement and consistency across both offices.

Despite a number of participants noting the positive elements of the culture at the Commission, many raised concerns regarding the culture being driven by a small number of people, accepted practices in relation to contestability, workload pressures, a lack of accountability, a leadership skills deficit and a lack of diversity, notwithstanding the increase in the representation of women over the past decade.

This review has found that a culture of sexism, sexual harassment and other exclusionary inappropriate behaviour including bullying, discrimination and racism existed most predominantly in pockets of the Canberra office of the Commission. In recent years, it was largely perpetrated by a relatively small number of identified individuals, the majority, if not all of whom have since separated from the Commission. That the culture of inappropriate behaviour was allowed to pervade this workplace for such a long period is an indictment and a result of incidents and bad actors not being effectively managed by leadership. It has been consistently reported to this review that the lack of leadership was not intentional but rather a result of leaders not being sufficiently skilled to appropriately manage and lead people and resolve conflict. Regardless of whether intentional or not, it represents a significant failing of management.

There has been a tendency for the Commission to respond to incidents in extremes, either little or no action at all, or alternatively, a full formal investigation into whether the Code of Conduct has been breached invoking privacy restrictions and heightened concerns of procedural justice. There are and should be middle ground options that allow staff to informally report incidents and for these to be resolved by managers at the lowest level possible, providing accountability in real time so that matters do not remain unresolved and poor behaviours unchecked and ultimately escalating to formal and investigated complaints.

On the positive side, the Commission in recent years (2021) has introduced sound policy frameworks and reporting options in relation to inappropriate workplace matters consistent with the Respect@Work recommendations. However, these improvements do not address the lack of trust in management systems and processes and many participants did not believe a complaint would be addressed appropriately or in a timely way. Additionally, there was a reported absence of communication of relevant action or outcomes following engagement with management on issues relating to inappropriate workplace behaviour at the Commission. It will be crucial for the Commission to overcome this lack of trust as it moves forward with improved systems and other important change as recommended in Section 6 below.

It is important to note that almost all review participants in giving their time and recounting their experiences, did so as they wanted to ensure that these would inform future change and practice at the Commission, to create a positive, inclusive and safe culture into the future.

6.0 Recommendations

In order to comply with the Respect@Work positive duty and the Code of Practice on managing psychosocial hazards at work the Commission will need to undertake significant work. The below recommendations are designed to ensure that the Commission goes beyond meeting those obligations (at a minimum), to exceeding them and creating a workplace culture that is truly safe and respectful for all. Critical to its success is addressing the drivers and risks identified in this report.

In responding to this review and fully implementing all the recommendations, the Commission leadership has an opportunity to reset the culture to ensure that it is actively inclusive of people from minority groups, and that incidents of inappropriate behaviour are dealt with swiftly, effectively, and utilising best practice.

This reset will require leadership commitment and ongoing efforts to rebuild trust in management practice and complaint mechanisms.

Leadership and Culture

1. The Chair confirms the Commission's commitment to providing a safe, respectful and inclusive workplace. The Chair, Commissioners and senior leaders develop a plan for the implementation of these recommendations.
2. All leaders actively and consistently message expectations of workplace behaviour and corresponding consequences for breaches.
3. All leaders understand their role in setting and reinforcing a positive workplace culture and are held accountable for this through the inclusion of behavioural indicators in performance agreements.
4. All leaders and managers are provided with leadership and people management training appropriate to their level and access to ongoing leadership development to ensure leadership practice is contemporary.
5. All leaders be trained in trauma-informed, victim-centred approach so they can respond to disclosures of inappropriate behaviour in a manner that ensures complainants are supported and no further harm is caused.
6. Development of the updated Diversity and Inclusion Strategy be prioritised with a focus on creating a safe, respectful and inclusive workplace and the recruitment and retention of employees with diverse skills, experience and background.

Risk Identification & Mitigation

7. Actions to address the risks identified in this report, and any others that may be subsequently identified, are documented including appropriate mitigations and reported to Commission Meetings on a quarterly basis.
8. Recruitment for leadership positions prioritises people and leadership management skills and experience in addition to technical knowledge and skill.
9. Project delivery model and consequent workload issues be reviewed to understand the impact and pressures on Commission staff insofar as these relate to instances of inappropriate workplace behaviour.
10. The Chair, Commissioners and senior leaders ensure respectful challenge and contestability processes with inappropriate and disrespectful behaviours being actively called out and addressed.

Policies

11. The Workplace Behaviour Policy be updated to include a section to clearly define what constitutes the workplace, and the responsibilities and expectations of staff socialising outside of work hours and off-site. In addition, the following recommendations are made to strengthen the policy and ensure alignment with leading practice:
 - a. That sexual harassment be a distinct section of the policy, and as such separated out from sex-based harassment within the discrimination section of the policy. This new section should also include a comprehensive list of sexual harassment behaviours. Additionally, given a number of the reported incidents of inappropriate workplace behaviour were undertaken with or through technology, there should be a clear reference to the use of technology in perpetrating sexual harassment and other inappropriate workplace behaviours.
 - b. The discrimination section be amended to include definitions and examples of indirect and direct forms of discrimination, and align with efforts to address these proactively.

Support

12. All HR personnel be trained in trauma-informed, victim-centred response so that no further harm is caused to complainants.
13. The role of the Harassment Contact Officer (HCO) role is clarified and communicated to all Commission staff including ensuring there is:
 - a clear role description
 - an organisation-wide, transparent Expression of Interest (EOI) Process is used to advertise the HCO positions
 - a skills-based approach is used to select the HCOs including assessment of suitability
 - ongoing professional development and support is provided to those appointed and
 - consideration of a set-term for HCOs to avoid burn-out.
14. Increased counselling support is available for staff who have experienced significant psychological impacts from inappropriate workplace behaviour.

Reporting & Accountability

15. Complainants are appropriately and sensitively supported through a complaint process.
16. The Commission consider the adoption of an external anonymous complaint handling service.
17. Complainants are kept informed of the process and its progress at regular intervals.
18. Complainants are informed of the outcomes of their complaint.

19. Informal complaints/reports are dealt with in real time and managers are responsible for informing HR (de-identified if so requested) so that they can be added to the Central Workplace Behaviour Register.
20. Where complaints are not found to have breached the APS Code of Conduct but are still found to be incidents of inappropriate behaviour, that proportionate action is taken which may include for example, group/team/individual level training and discussion about behavioural expectations.

Measuring & Transparency

21. In addition to the APS Census, the Commission (through an independent third party) undertake a workplace culture survey to establish a baseline against which future progress can be measured, that specifically looking at the nature, impact and prevalence of inappropriate workplace behaviour, and any barriers to reporting.
22. That the above survey data as well as de-identified data on complaints and actions taken be shared with the workforce to build confidence and trust in reporting mechanisms. (Given the small size of the workforce this may be once a year to ensure confidentiality).
23. That reports of inappropriate behaviour (de-identified) are shared with the Management Committee as the most senior governance mechanism on a regular basis (e.g. a standing item each quarter) in line with the risk management process outlined in Recommendation 7.

Endnotes

- 1 Australian Human Rights Commission, Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces (Final Report, November 2021). 12.
- 2 Australian Attorney-General's Department, Respect@ Work implementation highlights (Web Page, n.d) <<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/respect-at-work/respectwork-implementation-highlights>>.
- 3 Safe Work Australia, Managing psychosocial hazards at work: Code of Practice (Online Version, 2022) <<https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-psychosocial-hazards-work>>.
- 4 Productivity Commission, Annual Report 2021-22, (Final Report, September 2022. 2) <<https://www.pc.gov.au/about/governance/annual-reports/2021-22>>.
- 5 The term 'inappropriate workplace behaviour' has been used throughout the report to capture both experiences of sexual harassment and sexism and other behaviours and actions that may compromise the psychosocial safety of staff members at the Commission. It is noted that 'unacceptable behaviours' is used in the Workplace Behaviour Policy and is similarly sufficient.
- 6 This figure is based on 44 total separations (see Productivity Commission, Exit Survey Report (Management Committee Report, September 2022. 3.) and the average staffing level of 164 (see Productivity Commission, Annual Report 2021-22, (Final Report, September 2022. 2) <<https://www.pc.gov.au/about/governance/annual-reports/2021-22>>.
- 7 Participant submission.
- 8 Participant interview.
- 9 Participant interview.
- 10 Participant interview.
- 11 Participant submission.
- 12 Participant submission.
- 13 Participant interview.
- 14 Participant interview.
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