

19 January 2022

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Dear Ms Broderick

INDEPENDENT REVIEW INTO BULLYING, HARASSMENT AND SEXUAL MISCONDUCT IN NSW PARLIAMENT

Thank you for the opportunity to provide a submission to the *Review into bullying, harassment and sexual misconduct in NSW Parliament* (the Review).

The Foundation for Alcohol Research and Education (FARE) is the leading not-for-profit organisation working towards an Australia free from alcohol harms. We approach this through developing evidence-informed policy, enabling people-powered advocacy and delivering health promotion programs. FARE has been working with communities across the country to improve the health and wellbeing of Australians for 20 years.

Bullying, sexual harassment and sexual misconduct has no place in the NSW Parliament or any other workplace. Alcohol is well recognised as a risk factor for this behaviour, acknowledged in the *Independent Review into Commonwealth Parliamentary Workplaces* (the Jenkins Review), by Sex Discrimination Commissioner, Kate Jenkins. The final report, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (the Jenkins report), identified alcohol use and a drinking culture as key risk factors in Commonwealth parliamentary workplaces, which were exacerbated by a lack of consistent approaches to regulating alcohol use. This was a particular issue for parliamentarians and their employees.¹

Throughout the Jenkins Review, concerns were raised about the availability of alcohol; the blurring effect of alcohol on personal and professional boundaries; its connection to work opportunities (and exclusion of those who avoid alcohol); and the impact of alcohol use on health and wellbeing. The Review also reported about the way in which alcohol contributes to bullying, sexual harassment and sexual assault within these workplaces, which is consistent with findings in the broader literature about alcohol as a risk factor for bullying, sexual harassment and sexual assault.

The Jenkins Review's findings were also consistent with other reviews in a parliamentary context such as the *Respect@Work: Sexual Harassment National Inquiry Report*, by Commissioner Jenkins, the *Review of the Parliamentary Workplace: Responding to Serious Incidents* (the Foster Review) by Stephanie Foster, Deputy Secretary of the Department of Prime Minister and Cabinet, and the *Review of Harassment in the South Australian Parliament Workplace* by Emily Strickland, Acting Equal Opportunity Commissioner in South Australia.

The impact of alcohol use is not unfamiliar to the NSW Parliament. The NSW Parliament has undertaken a number of actions over the past 15 years, including:

- In 2013, the Parliament conducted an *Inquiry into Regulation of the consumption of alcohol by members during sitting hours* in response to public debate about intoxication of Parliamentarians within Parliament House,
- In 2006, a submission was made to the Privileges Committee’s periodic review of the Code of Conduct for Members, proposing that an additional clause be inserted into the code to require that members “not perform their duties as an MP while under the influence of alcohol or any other drug”, and
- In 2004, an amendment to Standing Order 190 (Disorderly conduct by members) was proposed on 17 March 2004, prompted by an incident in the Legislative Assembly involving a Member who was intoxicated.²

In our submission to the Jenkins Review, FARE examined the impact of alcohol within Parliamentary workplaces and recommended actions that can be taken to create a safe and respectful workplace. These actions apply equally well into other parliamentary workplaces. A copy of FARE’s submission is attached.

FARE made 16 recommendations to the Jenkins Review, including recommendations to:

- undertake a risk assessment of alcohol use and harm
- develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events – this policy should adopt a health and human rights approach
- develop a Code of Conduct that requires people to abide by the alcohol policy
- limit alcohol use in Parliamentary workplaces to pre-approved functions and licensed premises, and
- create an independent unit with responsibility for the prevention, reporting and management of unacceptable behaviour within Parliamentary workplaces, including responding to alcohol use.

The Jenkins report devotes considerable attention to the use of alcohol with its final recommendation, Recommendation 28, specifically addressing the introduction of alcohol policies to Parliamentary workplaces and recommending implementation of the above.

Thank you again for the opportunity to provide a submission to this Review. We would be happy to discuss the issues raised with you in further detail.

Yours sincerely



CATERINA GIORGI
CHIEF EXECUTIVE OFFICER

¹ Australian Human Rights Commission 2021 *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* available at <https://humanrights.gov.au/our-work/sex-discrimination/publications>

² [NSW Inquiry into Regulation of the consumption of alcohol by members during sitting hours](#)



Foundation for Alcohol Research & Education

**Submission to the
Australian Human Rights Commission's
Independent Review into Parliamentary
Workplaces**

August 2021

About FARE

The Foundation for Alcohol Research and Education (FARE) is the leading not-for-profit organisation working towards an Australia free from alcohol harms.

We approach this through developing evidence-informed policy, enabling people-powered advocacy and delivering health promotion programs.

Working with local communities, values-aligned organisations, health professionals and researchers across the country, we strive to improve the health and wellbeing of everyone in Australia.

To learn more about us and our work visit www.fare.org.au.

You can get in touch via email at info@fare.org.au

FARE is a registered charity, and every dollar you give helps fund projects keeping our communities healthy and safe. You can make a tax-deductible donation at: www.fare.org.au/donate.

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Introduction

The Independent Review into Commonwealth Parliamentary Workplaces (the Review) aims to examine the experiences of unacceptable behaviours such as bullying, sexual harassment and sexual assault by people who are currently working or have previously worked within the Parliament of Australia, understand how these behaviours occur, and what can be done to address these to create a safe and respectful workplace. While anyone can be affected by bullying, sexual harassment and assault in the workplace, women are more likely to be affected than men, and particularly young women.¹

There are a number of factors that contribute to these behaviours in the workplace such as working conditions, workplace culture, and demographic factors. Alcohol is also a significant factor. An examination of workplace bullying, sexual harassment and sexual assault cannot occur without looking at the impact of alcohol and indeed, a strategy to reduce this behaviour in Parliamentary workplaces will be less effective without addressing the use of alcohol.

The role of alcohol in creating an unsafe workplace has been highlighted in a number of recent reviews including the *Respect@Work: Sexual Harassment National Inquiry Report* (Respect@Work) by Sex Discrimination Commissioner Kate Jenkins, the *Review of the Parliamentary Workplace: Responding to Serious Incidents* (the Foster Review) by Stephanie Foster, Deputy Secretary of the Department of Prime Minister and Cabinet and the *Review of Harassment in the South Australian Parliament Workplace* by Emily Strickland, Acting Equal Opportunity Commissioner in South Australia.

Respect@Work identifies alcohol in the workplace as one of three key cultural and systemic factors contributing to workplace sexual harassment, dispelling the notion that this behaviour occurs because of isolated actions by individuals² and placing responsibility on workplaces to take action to prevent this behaviour. The report highlights concerns raised on the use of alcohol in workplaces and its involvement (contribution) in sexual harassment in the workplace. Organisations such as The Law Council of Australia, Royal Australasian College of Surgeons, Unions Australia, Victorian Women Lawyers, Our Watch (through the Change the Story campaign), the Shop, Distributive and Allied Employees' Association and several individuals spoke about how alcohol increased the risk of sexual harassment in the workplace, how it was often used to excuse the behaviour, and how it acted as a barrier to reporting. These concerns were backed up by reviews in other organisations where alcohol was identified as a factor contributing to sexual harassment, sexual assault, or other inappropriate behaviour.³

In addition to highlighting Australia's domestic and international obligations to prevent sexual harassment and other forms of gender-based violence and discrimination, the *Respect@work* report identifies alcohol as a systemic factor contributing to sexual harassment in the workplace and calls for workplaces to address the supply of alcohol in the workplace:

*Effective prevention of sexual harassment will also require workplaces to consider and address a range of cultural and systemic factors, including the significant influence of workplace 'climate' or culture, the level of understanding of sexual harassment among workers and managers at all levels, **and how access to alcohol, especially at work social events, may increase the risk of workplace sexual harassment.**⁴ (emphasis added)*

The Foster Review defines a serious incident as 'an incident or pattern of behaviour that causes serious harm to someone and includes assault, sexual assault, sexual harassment and serious and systemic bullying or harassment.' It identifies common risk factors for serious incidents across

parliamentary workplaces and makes a number of recommendations around sending a message that assault, sexual assault, sexual harassment, and serious and systemic bullying or harassment are unacceptable and taking action to support that commitment. Actions recommended included providing mechanisms for reporting such behaviours, supporting people affected by them, and mitigating risk. As an identified risk factor for sexual harassment, bullying and assault, the Foster Review recommends including the risks associated with alcohol use in induction training as part of efforts to set the tone for a safe and respectful workplace. The Foster Review also suggests a broader discussion around managing the use of alcohol in Parliamentary workplaces, and taking action to address alcohol use in the workplace when incidents occur.⁵

Parliamentary workplaces must take a comprehensive approach to addressing this unacceptable behaviour in the workplace if they are serious about changing the behaviour. Alcohol contributes to the problem and therefore must be part of the solution. Efforts to address bullying, sexual harassment and sexual assault without addressing alcohol use will not be effective.

All parliamentary workplaces have a responsibility to ensure the safety and wellbeing of the people that work and visit there. This submission explains how alcohol affects the body, identifies alcohol harms in the workplace, examines the negative impact of alcohol in Parliament House, and recommends actions that can be taken to prevent and reduce workplace bullying, sexual harassment and sexual assault to create a safe and respectful workplace.

Recommendations

1. Undertake a risk assessment of alcohol use and harm at Parliament House.
2. Develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events, including work-related social functions. The alcohol policy should include a clear aim, scope, principles, priority action areas and accountability measures.
3. Apply the alcohol policy to all people who work in parliamentary workplaces, including the Prime Minister, Parliamentarians and their staff, departmental staff, public servants, consultants undertaking work for Parliament and event staff.
4. Limit alcohol use in Parliamentary workplaces within the alcohol policy, to pre-approved functions and events and licensed premises. Make a condition of pre-approval, having clear controls for alcohol use in place, including ensuring that the supply and service of alcohol does not encourage risky use. All other environments, including parliamentary offices, should be alcohol free.
5. Ensure the alcohol policy takes a health and human rights approach to addressing alcohol use in the workplace.
6. Make support services available to people who work in Parliamentary workplaces, both within the work environment and outside to accommodate different situations and needs.
7. Establish an independent unit with a presence within Parliament House to be responsible for the prevention, reporting and management of unacceptable behaviour within Parliament, including responding to alcohol use.
8. Hold people accountable for actions that breach the alcohol policy through a staged response that outlines a process for escalating matters.
9. Develop a Code of Conduct that applies to all people that work in Parliamentary workplaces and requires them to abide by the alcohol policy.
10. Ensure the Code of Conduct is developed in conjunction with key stakeholders in the workplace, including those at risk of alcohol harm.

11. Ensure that people who are affected by alcohol do not attend work, including in their parliamentary offices and in the chambers, and are asked to leave if they become intoxicated while at work or work-related events.
12. Provide regular workplace training to ensure people are aware of the alcohol policy and Code of Conduct.
13. Provide support for people to deal with a situation where someone is behaving in a way that is inconsistent with the standards of behaviour expected in the workplace.
14. Provide training to security staff to recognise and respond to situations where people are intoxicated.
15. Adopt a whole of workplace approach to reducing alcohol harm.
16. Embed policies and processes into everyday activities to create a safer and healthier work culture.

What are the effects of alcohol?

Alcohol is one of the most harmful drugs in Australia. It's a toxic psychoactive substance that can have short- and long-term effects on your body and may significantly impact physical and mental health and quality of life. The more a person drinks and the more frequently a person drinks, the greater the impact, but even small amounts can increase the risk of harm.⁶

Alcohol use is causally linked to over 200 disease and injury conditions.⁷ It increases the risk of accidents and injury. It can lead to dependence and chronic diseases including various cancers, heart disease, and diabetes. In the long-term, alcohol can contribute to brain damage and brain related conditions such as stroke and dementia, fertility issues, and cirrhosis of the liver. It can also have a negative impact on mental health and is a contributor to suicide.

To reduce the risk of these harms, the *Australian guidelines to reduce health risks from drinking alcohol* recommend that to reduce your risk of alcohol harm, healthy men and women should drink no more than 10 standard drinks a week and no more than four standard drinks on any one day.⁸

Alcohol doesn't only negatively impact on the person using the product, but also the people around them. Alcohol is a risk factor for violence and threatening behaviours. Addressing alcohol supply and availability is therefore a key preventive measure that can improve safety and wellbeing.

Alcohol affects decision-making and behaviour

Alcohol alters a person's thoughts, judgement, decision-making and behaviour.⁹

When a person drinks alcohol, the alcohol is absorbed into the blood stream and is then rapidly distributed to all parts of the body — including the brain. As a depressant, alcohol slows down the central nervous system and inhibits the functions of the brain. Alcohol interferes with the communication pathways in the brain and affects how the brain processes information. It takes just a few minutes for alcohol to reach the brain and for it to have an impact.

Alcohol in the workplace

A World Health Organization (WHO) paper on alcohol and the workplace reports on a significant association between elevated levels of alcohol use and an increase in higher risk drinking, alcohol dependence and stress, reduced productivity, and inappropriate behaviour. Alcohol use can lead to poor relationships between staff, low staff morale and high turnover.¹⁰

Higher risk alcohol use has a direct and indirect impact on workplace health and safety, wellbeing, productivity, and is involved in more than 10 per cent of workplace accidents.¹¹

Sexual harassment can cause physical and psychological harm to the person it is directed at and anyone witnessing the behaviour. This in turn can lead to feelings of isolation, loss of confidence and withdrawal, stress, depression, anxiety and post-traumatic stress disorder, injury and illness, as well as negative impacts on a person's job, career and financial security and suicidal thoughts.¹²

Alcohol use reduces workplace productivity, safety and work relations, and increases absenteeism and 'presenteeism' (where people attend work unwell or with a hangover and are unable to work productively).¹³

Unsafe and threatening behaviours such as sexual harassment can lead people affected to use alcohol as a coping mechanism, compounding the negative impact of the perpetrator's behaviour. Not only is increased alcohol use not effective in coping with stress in the longer term, it contributes to anxiety and poor mental health. It can also lead to a raft of other health related problems for the individual affected and those around them, creating further consequences for the workplace.

The National Drug Strategy Household Survey (NDSHS) examines people's alcohol and other drug use. The 2019 NDSHS found that one in four people (25 per cent) drank at a risky levels on a single occasion at least monthly (more than four standard drinks).¹⁴

Alcohol also contributes to significant health, social and economic costs in the workplace¹⁵ and has been estimated to cost up to \$9 billion per year in lost productivity and absenteeism.¹⁶

Why Parliament House needs to take action on alcohol

Parliament House should lead the nation in safe and respectful workplaces

The role of the Australian Parliament is to lead the country, which it does by developing national policy, making laws, providing services and representing the interests of the Australian community. It has a critical role in setting standards and protecting the health and safety of the community, including the laws that govern workplace behaviour such as the *Work Health and Safety Act 2011*, including at Parliament House.

The reports of risky alcohol use within Parliament House and bullying, sexual harassment and assault, are inconsistent with community expectations of workplace behaviour and the very laws introduced by the Parliament aimed at protecting the health and safety of the workplace. It is also out of touch with community expectations.

Behaviour such as voting on legislation while intoxicated would not be condoned in Australian workplaces. Neither would sexual harassment, intimidation, and bullying. There is a long history of this behaviour at Parliament House and despite the Parliament being aware of this behaviour, it has not addressed it in any meaningful way. Recent allegations of sexual harassment and rape demonstrate the need for immediate action.¹⁷

As with all workplaces, Parliament House has a duty of care for ethical, safety, legal, and economic reasons to prevent harm.¹⁸ Many workplaces have codes of conduct for staff and provisions within their contracts relating to alcohol at work and how the workplace will respond. Parliament House does not have any such Code of Conduct or provisions within the workplace.

Some staff at Parliament House are bound by a Code of Conduct associated with their employment under other arrangements. Departmental Liaison Officers for example, are bound by the Public Service

Code of Conduct.^a However this creates inconsistencies between those that are bound by a Code of Conduct or similar instrument and those that aren't. Everyone that works at Parliament House, whether Parliamentarians, staffers, public servants, contractors and others, should be required to apply to the same standards of behaviour and be held accountable against these standards.

Allowing and even enabling a work environment that results in these negative outcomes is a major breach of Parliament House's obligations to provide a healthy and safe workplace. Failure to take action in any meaningful way to support the health, wellbeing and safety of staff can only lead to more of this behaviour.

Furthermore, the current environment has implications for productivity at Parliament House. Alcohol use reduces workplace productivity through its negative impact on decision making, judgement, and behaviour. It affects safety and work relations and contributes to absenteeism and presenteeism.¹⁹ In so doing, alcohol affects people's productivity not just at the time when alcohol use occurs but also after the alcohol is drunk through absences at work or when people attend work but are not functioning. This in turn has implications for other staff who may be required to manage situations, frequently at a cost to their own wellbeing.

Benefits of a safe and healthy workplace

Everyone has the right to feel safe and be treated fairly and with respect at work. No one should experience behaviours such as bullying, sexual harassment or assault in their workplace. These actions can have long lasting negative impacts and should not be tolerated in Parliamentary workplaces. Parliament has a responsibility to make sure that this is the case.

A safer working environment will reduce absenteeism and presenteeism, decrease staff turnover, improve work relations and staff morale, and improve the health and wellbeing of employees. Ultimately this will lead to increased workforce performance and productivity.²⁰ A safe and healthy working environment will also reduce the direct and indirect costs associated with responding to situations where alcohol use has created dysfunctional and unsafe work environments and will mean that Parliament House is compliant with occupational health and safety and related legislation.²¹

Workplace factors influence alcohol use

Workplace factors that influence a person's alcohol use include working conditions and workplace culture, demographic factors such as age and gender, and the supply and availability of alcohol within the workplace.

In 2003, the work environment at Parliament House was described as 'brutal and unrelenting' and 'one of the most destructive workplaces in Australia', an environment that 'takes no prisoners, that refuses to change its work hours to make them less stressful and, above all, that has no regard for the mental health of individuals who are often fragile but ambitious.'²²

The article by Greg Barnes, former Chief of Staff to then Finance Minister John Fahey, points to the impact of alcohol, stress and tiredness, and spoke of people spending long evenings drinking alcohol in their offices while working and rituals of 'MPs heading down to Canberra watering holes late at night to drink until the early hours of the morning. They get a few hours' sleep and are back at their desks early the next day attempting to deal with issues of magnitude, while watching their backs and trying not to be paranoid about the Canberra press gallery.'

^a Ordinarily, Public Servants are supported by a range of structural and social arrangements that provide further protections to the Code of Conduct, however these arrangements are not as effective at Parliament House.

Barnes talked about the long working days where people are expected to ‘work 16-hour days day in and day out’, describing it as unfair, cruel and life-threatening. The ‘few support networks, little sense of community and no capacity to escape, means that the mental health of those who work in the House is put under such intense pressure that drugs, alcohol, sex and workaholism often come to be seen as the only means for survival.’

Research by Maria Maley in 2016-17 found that long hours, being away from home and the constant presence of alcohol create a high-risk environment for staffers. ‘One staffer said she kept drinking on some nights to ensure her boss stayed out of trouble, helping him get into a taxi at the end of the night. Another former staffer claimed the MP he worked for would begin drinking mid-afternoon on most days and when drunk, staff would have to deal with unwanted sexual advances. Repeatedly.’²³

Staffers were concerned about making complaints about sexual harassment or bullying. ‘If they complain, they could lose their jobs or their career prospects. Their jobs are precarious and can be terminated at any time.’ While protected by the Fair Work Act, staffers were concerned that if they made a complaint, their employment would be terminated or they would be seen as a ‘troublemaker’, which would jeopardise any future work.

The issue of loyalty was also raised in Maley’s research, since loyalty to the politician and to the party was a condition of their employment. As a result, many wanted to protect the party and so would not speak out. As Maley says, tolerating poor conduct can mean bad behaviour becomes normalised.²⁴ This creates a barrier for people to speak out about issues such as workplace bullying and sexual harassment.

Staffers were also not confident about raising these issues through party organisations. ‘Those I interviewed said they believe the party’s priority is always its reputation, the likelihood of MPs being re-elected and factional power plays — leaders seeking to protect people with whom they are aligned. The well-being of staff is seen as collateral damage.’²⁵

Parliamentarians are not immune from the experiences of staffers.

Emma Husar, former member of the House of Representatives from 2016 to 2019, recently said that in her view, Parliament House was ‘the most unsafe workplace in the country when it should be the most safe and secure’. She points to the free availability of alcohol at Parliament House as contributing to intoxication and poor behaviour in the workplace.²⁶

These experiences are supported by a 2021 study by the Elizabeth Reid Network of over 220 current and former female staff at Parliament House. The majority of survey respondents had experienced sexual harassment, gendered discrimination and bullying whilst working as a staffer and there were many incidents of sexual assault recorded. These members spoke of the impact of alcohol, making them feel unsafe at work. The Elizabeth Reid Network has made a submission to this Review and made recommendations on alcohol and reduced working hours.²⁷

Western Australia’s Commission for Occupational Safety and Health 2008 Guidance Note on Alcohol and Other Drugs at the Workplace provides a comprehensive assessment of workplace risk factors for alcohol use, that considers issues like long working hours, a sense of isolation from family and friends, workplace culture and availability of alcohol and other drugs.²⁸

What can Parliamentary workplaces do to prevent and address risky alcohol use?

A strategy to reduce risky alcohol use needs to be developed as a matter of urgency, based on the evidence of what works to reduce alcohol harm and taking into consideration the risk factors of Parliament. Strategies found in other workplaces can provide a useful starting point in developing a policy for Parliamentary workplaces.

There is a strong body of research showing that cultural norms and beliefs are strong predictors of both current drinking and frequent heavy drinking. Cultural norms vary by context and place²⁹ and this provides Parliament House with the opportunity to create new norms where alcohol is not central.

However, to be successful, a comprehensive approach is needed that applies the principles of reducing alcohol harm across the workplace. Addressing the supply and availability of alcohol is critical, since there is strong evidence to show that the lower the price of alcohol³⁰ and the greater the availability,^{31,32} the higher the levels of drinking. These have clear implications in the context of the free flow of alcohol described above.

Workplace change around alcohol is possible.

The *Creating healthy workplaces: Reducing alcohol-related harm in the workplace* project (Creating healthy workplaces project), led by National Centre for Education and Training on Addiction (NCETA) and LeeJenn Health Consultants in partnership with VicHealth, set out to see whether a comprehensive intervention tailored to meet the needs and resources of individual workplaces, could reduce alcohol harm in the workplace.³³

The project was based on the *Changing Workplace Cultures Model* which proposes that working conditions and employee beliefs and behaviours interact to influence workplace cultures of alcohol use. The model, represented in Figure 1, suggests that workplace culture not only has a direct influence on employees' drinking patterns, but can also mediate the influence of the workplace environment on drinking patterns.³⁴

Figure 1: A cultural model of work-related alcohol use (Pidd and Roche 2008)



Employing a suite of strategies addressing policy, awareness, training, referral and program implementation, this project saw a significant reduction in risky drinking and presenteeism, while improving attitudes to alcohol and increasing employee awareness of the workplace alcohol and drug policy and access to alcohol-related health and wellbeing services. This project provides insights into effective ways to reduce alcohol harm and improve health and wellbeing in the workplace.³⁵

Drawing from this and other sources, FARE recommends that Parliament adopts the following actions to address alcohol use in Parliamentary workplaces:

1. Undertake a risk assessment of alcohol harm at Parliament House
2. Develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events, including work-related social functions
3. Develop a Code of Conduct that applies to all people that work in Parliamentary workplaces and include expectations about alcohol and the workplace
4. Provide regular workplace training to ensure people are aware of the alcohol policy and Code of Conduct and understand why they are in place, and
5. Embed policies and processes into everyday activities to create a safer and healthier work culture

Further information on each of the above recommendations provided below.

1. Undertake a risk assessment of alcohol harm at Parliament House

While a number of risks have been identified within this submission, an assessment of the impact of alcohol at Parliamentary workplaces will identify other factors that have not been raised through this review process. Such an assessment will identify the workplace factors particular to parliamentary workplaces that contribute to this harm, the impact alcohol has on the work environment, and identify actions that can be taken to reduce this impact.

Workplace factors associated with risk of alcohol harm can include issues such as:

- usage of alcohol and/or other drugs in relevant social groups.
- patterns of alcohol and/or other drug consumption.
- type of workplace culture
- availability of alcohol and/or other drugs
- isolation from family and friends
- inadequate job design and training
- inadequate supervision
- extended working hours or shift work
- interpersonal factors, and
- poor working conditions.³⁶

NCETA provides guidance on assessing the risk from alcohol in workplaces.³⁷ This tool provides a step-by-step approach to conducting a risk assessment and provides examples of the sorts of questions that could be asked in undertaking the assessment. It looks at workforce demographics, alcohol and drug availability, working conditions, alcohol and drug use culture, alcohol and drug awareness, and approach to actions to manage the risk. Critical to this process is talking to people that work at Parliament House about their experiences in the workplace to understand the extent of the impact and identify potential solutions.

This Review will go part the way in assessing and reporting on some of the above risk factors.

Recommendation 1:

Undertake a risk assessment of alcohol harm at Parliament House.

Part of the solution to addressing unhealthy behaviours in the Parliamentary workplace, particularly bullying and sexual harassment, involves defining reasonable working hours.

Alcohol use should not be encouraged in Parliamentary workplaces. International examples suggest how the risk from alcohol can be largely removed through this step alone. Speaking at the Global Leadership Institute for Women workshop *Parliament as a gendered workplace - towards a model code of conduct* on 15-16 July 2021,³⁸ Swedish researchers Josefina Erikson and Cecelia Josefsson and Catalonian researcher Tania Verge who have studied their respective parliaments, said that their Parliaments have fixed working hours and that for this reason, alcohol is not a major issue for them. In these countries, Parliamentarians leave the premises at reasonable hours and alcohol is not part of life within the Parliament. The need for reasonable working hours in Parliament has also been repeatedly raised by gender equality scholars and thinktanks as a key step in addressing the significant under-representation of women in the Australian Parliament.

While there may be differences in circumstances between the Parliaments in these countries and Australia, these examples do provide evidence that it is possible to create such environments. These examples also suggest that a part of the solution to addressing unhealthy behaviours in Parliamentary workplaces, particularly bullying and sexual harassment, involves defining reasonable working hours.

2. Develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events, including work-related social functions

Workplaces have a duty of care to address alcohol use in the workplace and associated with work-related activities. Given the high-risk environment of parliamentary workplaces and the extent of change needed to create a new norm of behaviour, a formal alcohol policy is needed to support Parliamentary workplaces navigate this shift in alcohol use.

Such strategies are common in other workplaces.

The ACT Public Service's Alcohol and other Drugs Policy commits to 'providing safe and healthy working environments for its employees and other people through practices that eliminate or reduce risk in its workplaces arising from the use of alcohol or other drugs. It outlines expectations of behaviour, such as not drinking alcohol while on duty or on government premises without prior approval; policy principles, such as treating alcohol dependency in the same way as other health issues; how it will manage alcohol in the workplace; and who is responsible for what.'³⁹

Concerns raised in this Review should be addressed in the policy, particularly including the ready availability of alcohol at parliamentary workplaces and at work related social activities.

Other resources available to assist with the development of an alcohol policy are available through the Worklife website developed by NCETA, the *Alcohol Think Again* campaign by the Department of Health in Western Australia, Worksafe Tasmania, and Workplace Health and Safety Queensland.

NCETA has developed the Worklife website to help workplaces respond to alcohol and drug issues and to develop alcohol and drug policies. Developed in collaboration with the South Australian Government, the website provides a guide to developing an alcohol policy, outlining what it is and why it is important, what should be included, core principles and the process for developing the policy.⁴⁰

The *Alcohol Think Again* campaign⁴¹ recognises that alcohol is as much a workplace issue as it is a community issue and provides a step-by-step guide to developing a workplace alcohol policy. This guide covers the design process, implementation of the policy and management and evaluation. This process recognises that the approach, timing and overall support for policy implementation is critical to the credibility, acceptance and effectiveness of your policy.⁴²

Worksafe Tasmania provides information and advice about alcohol and other drugs in the workplace and a policy template that could be used to inform a policy in Parliamentary workplaces. This resource includes information about the responsibilities of people that work within a workplace and those of the workplace itself, controlling the risks, setting expectations at workplace events, providing support, and discusses pros and cons of drug testing. The template provides a framework for a workplace alcohol policy, outlining potential statements that could be included on parts like the goals of the policy, scope, responsibilities, disciplinary action, and social events in the workplace, and provides prompts for the types of additional information that could be added.⁴³

Workplace Health and Safety Queensland has developed a *Framework for alcohol and drug management in the workplace* (the Framework). This Framework provides advice on what should be

addressed in an effective alcohol policy and the type of information that should be provided. In discussing the scope of the policy, the Framework clearly states that the policy should apply to everyone who conducts business in the workplace, including directors, consultants and visitors, so that people can be confident that there will be no discrimination in the application of the policy.⁴⁴

Essential components of an alcohol policy are outlined below:

Aim

The policy should clearly articulate what it aims to achieve so that there is a clear understanding among staff and to avoid any misunderstandings. The aim of the policy could include statements like:

- To foster a safe and productive workplace that promotes health and wellbeing, and
- To provide a clear policy on alcohol in parliamentary workplaces and identify processes and supports available to prevent alcohol harm
- To minimise the risk of harm from alcohol

Scope

The policy should apply to all people who work in parliamentary workplaces, including the Prime Minister, Parliamentarians and their staff, departmental staff, and consultants undertaking work for Parliament. There should be no exemptions.

It should also be clear that the policy applies to all parliamentary workplaces and activities, including Parliamentarians' offices, work-related functions, and work-related socialising inside and outside of these workplaces. The Australian Public Service Values and Code of Conduct discusses conduct after hours in relation to activities where there is some connection with their employment.⁴⁵

It is recommended that the policy also applies to political parties and their staff and the offices of Independents, including voluntary staff.

This section could include statements such as:

- This policy applies to all people who work in parliamentary workplaces, including the Prime Minister, Parliamentarians and their staff, departmental staff, and consultants undertaking work for Parliament.
- This policy applies to all activities where there is a connection to Parliamentary work, including work-related travel and social activities outside of work hours and away from the workplace.

Principles

The policy should identify the principles by which the policy will operate, such as

- All people will be treated with dignity and respect
- A whole of workplace approach will be adopted
- This policy will be developed in conjunction with key stakeholders including people who are at risk of or who have experienced alcohol harm or the impact of alcohol use by others
- A comprehensive approach to address alcohol harm will be adopted
- Incidents will be treated in confidence unless there is a legal obligation to share information, and
- The policy will be reviewed, evaluated and updated on a regular basis to identify gaps and respond to changing circumstances.

Priority Action Areas

Workplace factors such as those outlined above and identified in the risk assessment mean that a range of responses is required to support changes in alcohol use in Parliamentary workplaces. Critical to success is addressing the drivers of alcohol use such as supply and availability.

The appropriate actions will depend on the overall strategy adopted in the policy. If the strategy is aimed at reducing alcohol in the workplace, then actions such as limiting the supply of alcohol and the locations in which it can be provided, and ensuring alcohol is only served at certain times or at certain events, will be important to avoid misinterpretation of the policy. The ACT Public Service Alcohol and other Drugs Policy essentially makes ACT Government workplaces alcohol free, unless there is prior approval.⁴⁶

In addition to addressing the other workplace risk factors identified, reducing alcohol in the workplace can be achieved by taking action such as:

- Making all official workplaces, including offices of parliamentarians, alcohol free
- Allowing alcohol only at pre-approved functions and events, and licensed premises
- Limiting the number of functions where alcohol can be served, specifically those later in the day
- If alcohol is served, limiting the amount of alcohol served at all functions
- Offering water and other non-alcoholic beverages at all functions
- Offering low alcohol options
- Serving substantial food rather than light snacks at all functions where alcohol is made available
- Appointing a person to be responsible for ensuring that alcohol service occurs in line with the policy, and
- Introducing a policy where alcohol is not promoted within workplaces.

The policy should clearly state that there will be a zero or limited tolerance for alcohol harm in the workplace. Examples of the types of behaviour expected include:

- If people are going to drink alcohol, they should drink at levels that put them at low risk of harm, as per the *Australian guidelines to reduce health risks from drinking alcohol*⁴⁷
- Alcohol should not be used when parliamentary business is still occurring eg when Parliament is sitting or on call to attend to Parliamentary business
- No person should arrive or remain at work under the influence of alcohol
- No person should encourage or pressure others to drink
- People should respect and support those who choose not to drink
- People will be supported to raise concerns about someone's behaviour in the workplace.

Managing alcohol in the workplace and supporting staff

In fulfilling its duty of care to ensure the health and safety of its employees, it is strongly recommended that alcohol use is treated as a health issue requiring a health response. This means providing access to support services where needed. Punitive responses are not effective for people with alcohol dependence and stigmatise people who need support, providing a further barrier to seeking support. For this reason, FARE does not generally support approaches such as drug testing in the workplace, unless there is a high-risk environment such as operating machinery, controlling forms of transport, and in construction.

The ACT Public Service Alcohol and other Drug policy provides some good advice about managing alcohol use in the workplace. It encourages consideration of relevant circumstances in determining an appropriate response and provides guidance on the types of responses that could be taken.⁴⁸ Likewise, Queensland Health's alcohol and other drug policy provides guidance on dealing with situations involving alcohol and outlines the circumstances in which responses would be escalated.⁴⁹

The policy could include statements such as:

- If a person attends work and is considered to be affected by alcohol, the person will be sent home
- Where it appears that a person's performance, conduct or behaviour is affected by alcohol, the relevant manager will undertake an initial assessment based on the employee's work performance
- An initial response to a situation where a person's performance, conduct or behaviour is consistently affected by alcohol, should be one of paid relief from duties with a person required – and supported – to seek help.
- Where a person is offered support but they continue to behave in an unacceptable manner or refuse to seek support for their alcohol use, disciplinary proceedings may be implemented as a last resort.

Supporting people affected by alcohol has the potential to influence the health and wellbeing of all people that work in Parliamentary workplaces. To reduce the barriers that prevent people from raising issues in the workplace and to encourage people to seek support for either their own alcohol use or the behaviour of others, it is important that there are confidential pathways available to raise issues. The policy should clearly outline where people can go to report concerns about alcohol and how people can access support services should they wish to.

People should also feel confident that they can raise issues in a confidential environment, that they will be treated with respect and dignity, and that their concerns will be heard and acted upon. An independent unit is needed within Parliamentary workplaces to handle concerns about alcohol-related behaviour and provide confidence that the process will be safe, fair and supportive.⁵⁰ The Foster Review recommended that a Serious Incident Team be established as a function of the Public Service Commission under the Parliamentary Service Act, with a presence within Parliament House to provide a special unit for people to go to be able to report incidents, get advice and support, and for appropriate action to be taken, including providing advice and support to everyone involved in the incident and managers and bystanders.⁵¹

Access to support services should be available both within the work environment and outside to accommodate different situations and needs.

Encouragement to use these services can be provided through conditions of work such as ability to use leave which enables them to continue to be paid while receiving support. In situations where these services are unable to provide the type of support needed, referral options are needed to ensure that suitable supports are provided, and the situation is managed appropriately.

Accountability

The policy must hold people accountable for actions that breach the policy if it is going to be effective in reducing alcohol use in Parliamentary workplaces and the types of behaviour that this Review is addressing. Alcohol should never be seen as an excuse for bullying, sexual harassment or assault.

The protocol for holding people accountable is an important component of the policy so people know that the policy is being taken seriously and provides transparency around the process.

In the interests of fairness and human rights, a staged response should be introduced to behaviour that does not comply with the policy, ranging from a limited response for first time minor infractions, to more serious consequences for repeated behaviour and more serious actions such as bullying, harassment and assault.

Queensland Health's *Fitness for Duty: Alcohol and other Drugs* policy includes details of how situations can be managed including how matters will be escalated. The scope of the policy also extends to work endorsed events and work social functions.⁵²

Sanctions could include actions such as:

- Sending someone home if they come to work with a hangover or affected by alcohol, or became affected while at work or at a work-related function
- Removing the person from their duties and requiring them to get support for their alcohol use and behaviour
- Seeking a person's resignation from their role
- Removing a person's party membership

Advice should be sought on any barriers to taking action against people who engage in workplace bullying, sexual harassment and sexual assault, including Parliamentarians and their staff, and take action to remove these barriers.

Recommendation 2:

Develop and enforce an alcohol policy to address alcohol in the workplace and at work-related events, including work-related social functions. The alcohol policy should include a clear aim, scope, principles, priority action areas and accountability measures.

Recommendation 3:

Apply the alcohol policy to all people who work in parliamentary workplaces, including the Prime Minister, Parliamentarians and their staff, departmental staff, public servants, consultants undertaking work for Parliament and event staff.

Recommendation 4:

Limit alcohol use in Parliamentary workplaces within the alcohol policy, to pre-approved functions and events and licensed premises. Make a condition of pre-approval, having clear controls for alcohol use in place, including ensuring that the supply and service of alcohol does not encourage risky use. All other environments, including parliamentary offices, should be alcohol free.

Recommendation 5:

Ensure the alcohol policy takes a health and human rights approach to addressing alcohol use in the workplace.

Recommendation 6:

Make support services available to people who work in Parliamentary workplaces, both within the work environment and outside to accommodate different situations and needs.

Recommendation 7:

Establish an independent unit with a presence within Parliament House to be responsible for the prevention, reporting and management of unacceptable behaviour within Parliament, including responding to alcohol use.

Recommendation 8:

Hold people accountable for actions that breach the alcohol policy through a staged response that outlines a process for escalating matters.

3. Develop a Code of Conduct that applies to all people that work in Parliamentary workplaces and includes expectations about alcohol

A Code of Conduct on workplace behaviour in Parliamentary workplaces will articulate the expectations of behaviour and provide a benchmark against which people can be held accountable. This Code of Conduct must apply to all people that work in Parliamentary workplaces to provide a consistent approach across different work environments, and must be binding and enforceable, to hold all Parliamentarians to account.

A Code of Conduct will mitigate risk and provide a public statement of the values of the workplace.

They are common in other workplaces, and in some areas of work, professional and industry wide standards and policies apply. In high-risk environments, the Australian Government has legislated such policies. Establishing similar practices in the high-risk environment of Parliamentary workplaces is entirely appropriate and in fact beholden on Government to introduce.

Examples in Parliamentary workplaces

The call for a Code of Conduct on behaviour on bullying and sexual harassment in Parliamentary workplaces is consistent with action being taken by other parliaments within Australia and overseas.

The South Australian Parliament is developing its own Code of Conduct in response to the Equal Opportunity Commission's *Review of Harassment in the South Australian Parliament Workplace* (SA Review) report that found sexual harassment in the South Australian Parliament.⁵³ Many of the incidents examined in the SA Review were associated with alcohol and as a result, the report noted that alcohol is a 'reinforcing factor' in violence against women such as sexual harassment, interacting with gender inequality to increase the frequency or severity of these behaviours.⁵⁴

In New South Wales, a Code of Conduct for Parliamentary Staff exists, designed to let staff know the standard of behaviour that is expected of them, provide advice to enable them to meet the standards expected, and provide a basis for making decisions. This Code is supported by a number of related policies such as an Anti-Bullying Policy, a Harassment Free Workplace Policy and Codes of Conduct for members of Parliament and their staff. The Code highlights core values such as integrity, trust, respect and professionalism. The NSW Government is currently reviewing its workplace practices in light of the allegations by Brittany Higgins in the Australian Parliament and follows the findings of the *Review of policies and procedures for Ministerial offices – bullying, harassment, and sexual misconduct* conducted earlier this year by The Hon Pru Goward.⁵⁵

Internationally, examples where Codes of Conduct have been introduced include the Canadian *Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members*,⁵⁶ the United Kingdom's *Behaviour Code*,⁵⁷ and New Zealand's voluntary Code of Conduct.^{58,59} While these Codes

may not specifically refer to alcohol, they have been developed in response to situations where alcohol is a known risk factor.

Parliamentarians and staffers and public servants within the Parliamentary workplaces of the Australian Government are already familiar with expectations on behaviour since they are subject to rules on declaring conflicts of interest, lobbying activities and political donations in the interests of transparency and accountability.

Examples in Government Departments

The Australian Public Service's *Values and Code of Conduct in practice* acknowledges that alcohol can lead to inappropriate behaviour in the workplace and supports action being taken to provide clear direction to staff about their use of alcohol.⁶⁰ In Western Australia, The Department of Health's *Code of Conduct* requires that staff must be in a 'fit and proper condition and not impaired by alcohol or drugs' as part of their obligation to act professionally and ethically in the workplace.⁶¹ Queensland's Code of Conduct for Ministerial staff members⁶² and Code of Conduct for Opposition Staff Members⁶³ specifically state that staff should not allow the use of alcohol or other drugs to adversely affect 'work performance or official conduct'. The Queensland Codes provide clear advice about what happens if the Code is breached, who to report a breach to and where to go for advice, and who decides if a breach has occurred.

Parliamentary workplaces should be leading the nation and setting the standard of behaviour, rather than lagging behind. The Code should be informed by examples from elsewhere, but not limited by what is in them, since these are developed with the particular circumstances of the workplace in mind. Public Service codes of practice, for example, are largely supported by workplace structures, such as the hierarchical nature of the workforce, and policies such as standard working hours, sexual harassment policies and complaints procedures.

Development of the Code of Conduct

It is important that the Code is developed in conjunction with the people that work in these places to ensure it considers the particular circumstances of Parliamentary workplaces and is supported by them. This tailored approach will be more effective in creating a safe and respectful workplace and will demonstrate that there is a genuine desire to address these issues. It will build trust in the organisation and encourage ongoing discussions on acceptable workplace behaviour and empower employees to speak up on issues as they arise.

Importantly, the Code should provide information about what people should do if they are concerned about someone's behaviour and be clear that people will be held accountable for their actions if they have breached the Code.

The Code should reference a requirement to abide by the alcohol policy recommended above.

It could do this by including expectations such as:

- People are expected to support and abide by the Parliamentary workplaces alcohol policy
- People that have drunk alcohol or are affected by alcohol should not attend or remain at work
- Alcohol cannot be supplied in the workplace in a way that contravenes the alcohol policy

Such policies and actions to address use of alcohol in the workplace aligns with practices in government environments.

Recommendation 9:

Develop a Code of Conduct that applies to all people that work in Parliamentary workplaces and requires them to abide by the alcohol policy.

Recommendation 10:

Ensure the Code is developed in conjunction with key stakeholders in the workplace, including those at risk of alcohol harm.

Recommendation 11:

Ensure that people who are affected by alcohol do not attend work, including in their parliamentary offices and in the chambers, and are asked to leave if they become intoxicated while at work or work-related events.

4. Provide regular workplace training to ensure people are aware of the alcohol policy and Code of Conduct and understand why they are in place

An alcohol policy and Code of Conduct will only be effective if people are aware of the policies, understand why they are in place, and are familiar with their contents.

Education and training is essential to encourage and support people to deal with a situation where someone is behaving in a way that is inconsistent with the standards of behaviour expected in the workplace, including inappropriate behaviour by visitors to Parliament House. This training is especially relevant to security staff who are the first point of contact for people entering Parliamentary workplaces.

Training should aim to increase awareness and understanding of the workplace factors that contribute to harm and the risks associated with alcohol in the workplace. It should provide advice and support for people to understand what the policy says, what the expectations are, and how the policy will be enforced. And the training should support people with responsibility for other staff to actively promote the policy and manage situations where an issue has been identified.

By understanding their rights and obligations, people will have increased capacity to comply with the policies and support people to respond to situations should they arise.

This training should be provided when people first start working in parliamentary workplaces and on a regular basis to refresh the training and update on any changes that may have occurred.

Recommendation 12:

Provide regular workplace training to ensure people are aware of the alcohol policy and Code of Conduct.

Recommendation 13:

Provide support for people to deal with a situation where someone is behaving in a way that is inconsistent with the standards of behaviour expected in the workplace.

Recommendation 14:

Provide training to security staff to recognise and respond to situations where people are intoxicated.

5. Embed policies and processes into everyday activities to create a safer and healthier work culture

Change is possible but implementation is the key. Responding to alcohol-related harm requires a whole of workplace approach. As mentioned above, developing a safe workplace culture that aims to prevent and manage alcohol harm in Parliamentary workplaces, requires a consultative approach that seeks contributions from all groups that work in these places. Any attempt to impose change without having an open process that invites participation from those affected by the changes limits the chances of success.⁶⁴

The Creating healthy workplaces project found that the factors below were important in creating and maintaining change:

- actively promoting the policy and raising awareness of supports available
- understanding alcohol and drug issues in a broader health context
- being responsive to situations in a timely manner
- raising awareness of resources in the local area.

Using organisational systems to consolidate and maintain change was important to maximise uptake, success and sustainability. Embedding policies and processes into everyday work practices will be critical to make changes in Parliamentary workplaces sustainable.⁶⁵

NCETA's Worklife website provides a range of information and downloadable resources that will help:

- Understand more about alcohol and drugs
- Promote workplace safety
- Increase productivity reduce absenteeism
- Comply with duty of care and legal obligations
- Improve worker morale and wellbeing.⁶⁶

Recommendation 15:

Adopt a whole of workplace approach to reducing alcohol harm.

Recommendation 16:

Embed policies and processes into everyday activities to create a safer and healthier work culture.

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- ⁶⁴ Commission for Occupational Safety and Health 2008 *Guidance Note on Alcohol and Other Drugs at the Workplace* Government of Western Australia, available at https://www.commerce.wa.gov.au/sites/default/files/atoms/files/alcohol_and_drugs_0.pdf

⁶⁵ VicHealth 2016, *Creating healthy workplaces. Final report: Reducing alcohol-related harm*, Victorian Health Promotion Foundation, Melbourne.

⁶⁶ The National Centre for Education and Training on Addiction *Alcohol and drugs in the workplace* NCETA website, viewed on 28 July 2021 at <https://nceta.flinders.edu.au/workplace>



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