

Factsheet

Behaviour Code for Staff of Parliamentarians

Every person employed under the Members of Parliament (Staff) Act 1984 (MOP(S) Act) is required to understand and comply with this Code and the Behaviour Standards for Commonwealth Parliamentary Workplaces. The Code and Standards are enforceable and a breach of either could lead to sanctions being imposed

Respect

- MOP(S) Act employees must treat all those with whom they come into contact in the course of their MOP(S) Act duties and activities with dignity, courtesy, fairness and respect.
- All MOP(S) Act employees have a role to play in fostering a healthy, respectful and inclusive environment where all people feel safe and valued.

Diversity

- All MOP(S) Act employees have a role in fostering and respecting diversity in their workplace, to ensure everyone feels safe and welcome to contribute.
- MOP(S) Act employees recognise the importance and value of diverse viewpoints, and that robust debate is conducted with respect for differing views, which are essential for a functioning democracy.

Prohibited behaviour

- Bullying and harassment, sexual harassment or assault, discrimination in all its forms including on the grounds of race, age, sex, sexuality, gender identity, disability, or religion is unacceptable.

Upholding the Code

- MOP(S) Act employees must incorporate this code in their everyday workplace practice. This is done by:
 - Complying with all workplace policies as required by the Parliament.
 - Undertaking any training or professional development as recommended or deemed necessary.

What is the Behaviour Code?

In October 2024 the Australian Parliament passed a resolution to endorse a Behaviour Code for staff employed under the Members of Parliament (Staff) Act 1984 (MOP(S) Act). The Code sets out expectations for behaviour, including requirements to foster respectful and inclusive workplaces, and a prohibition on bullying, harassment, sexual harassment and assault, and discrimination. The Code also recognises the importance of a free exchange of ideas, which is an integral part of our democracy.

The Behaviour Code should be read in conjunction with the Behaviour Standards.

When does the Code apply to me?

Both the Code and the Standards apply to all duties undertaken in the course of MOP(S) Act employment, including at social events, when travelling for work, and outside of normal business hours.

This includes conduct engaged in by any means, including in person, or by electronic communication. Alcohol is no excuse for breach of this Code or the Standards.

How do I report a breach of the Code?

Complaints made under this code will be taken seriously and dealt with confidentially and independently. Breaches may be met with sanctions.

If you experience or witness unacceptable behaviour you are encouraged, and will be supported, to speak up. Complaints in relation to this Code can be submitted to the Independent Parliamentary Standards Commission (IPSC) at www.ipsc.gov.au or phone 1800 01 4772.

You can access independent and confidential support and advice by contacting the Parliamentary Workplace Support Service (PWSS) at www.pwss.gov.au or phone 1800 747 977 (option 1).

What if I, or my staff, are the subject of a complaint to the IPSC?

MOP(S) Act employees have obligations to:

- Cooperate with investigations and comply with any imposed sanctions.
- Maintain the confidentiality of the complaint process, unless authorised by the IPSC (or otherwise required by law) to share or release information.

What are the prohibited behaviours?

The Behaviour Code expressly prohibits bullying, harassment, sexual harassment, assault and discrimination in all its forms. These types of conduct present risks to work health and safety and may also be against the law.

Bullying

Bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Bullying is unlawful under the Fair Work Act 2009.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying can occur face to face, in writing, or via electronic media.



Examples of behaviours, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include:

- abusive, insulting or offensive language or comments
- continuously and deliberately excluding someone from work activities
- withholding information that is vital for effective work performance
- spreading misinformation or malicious rumours
- setting tasks that are unreasonably below or beyond a person's skill level
- setting unreasonable timelines or constantly changing deadlines.

Reasonable management action undertaken in a reasonable manner are usually not considered bullying, taking into account the specific circumstances. Reasonable management action can include:

- appropriate performance management
- providing feedback in a constructive manner
- informing a worker about inappropriate behaviour in an objective and confidential manner
- implementing organisation changes (such as an office restructure)
- allocating appropriate work in accordance with the terms and conditions of employment.

Harassment

Harassment is unwelcome verbal or physical behaviour that intimidates, offends, belittles or humiliates a person because of a particular personal characteristic such as age, race, gender, disability, religion or sexuality. Harassment can be an ongoing pattern of behaviour, or a single incident.

Examples of harassment may include, but is not limited to:

- verbal harassment, such as inappropriate jokes, innuendos, slurs, or insults
- making offensive gestures
- spreading gossip or false, malicious rumours about a person
- interfering with a person's personal items or work materials or equipment in the workplace.

Sexual Harassment

Sexual harassment is a specific form of harassment. Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. An incident could also be considered sexual harassment if it offends, humiliates or intimidates someone other than the intended individual.

The *Sex Discrimination Act 1984* makes sexual harassment unlawful in some circumstances.

Examples of sexual harassment may include, but is not limited to:

- behaviour such as touching, hugging, cornering or kissing
- inappropriate staring or leering
- sexually suggestive comments or jokes
- persistent unwanted invitations to go out on dates or requests for sex
- intrusive questions or comments about a person's private life or body
- sexually explicit or indecent emails, phone calls, text messages or online interactions (including on social media).



Discrimination

Discrimination is treating, or proposing to treat, a person or group of people unfavourably because of a personal characteristic protected by law. Protected characteristics include race, gender, sex, ethnicity, marital or relationship status, sexual orientation, gender identity, age, breastfeeding, religious or political conviction, family responsibilities, pregnancy or potential pregnancy, and disability.

Discrimination is unlawful.

Examples of discrimination can include, but is not limited to:

- using stereotypes or assumptions when making decisions about a person's career
- making an employment decision based on the sexual preference or religious beliefs of a person
- unjustified and unreasonable work requirements which have an unfair effect on a particular cultural or ethnic group
- denying an individual access to training based on their pregnancy status
- unreasonably failing or refusing to accommodate dietary requirements, attire or routines undertaken in accordance with religious practice (such as prayer)
- refusing to hire or promote a suitably qualified person because of their age.

Assault

An assault is an intentional or reckless action that causes another person to fear or apprehend immediate violence. Physical contact does not need to be made to commit an assault. Assault is a criminal offence.

Examples of assault can include, but is not limited to:

- punching, pushing, kicking, hitting, spitting
- raising a hand to punch or hit, but not making contact
- sexual contact or behaviour that occurs without consent.

Support

If you experience or witness inappropriate workplace behaviour you are encouraged, and will be supported, to speak up. Complaints in relation to the Behaviour Codes and Standards can be submitted to the [Independent Parliamentary Standards Commission \(IPSC\)](#). Complaints will be taken seriously and dealt with confidentially and independently. Breaches may be met with sanctions.

The [Parliamentary Workplace Support Service \(PWSS\)](#) are trusted advisors providing independent, confidential, and trauma aware human resource advice and support to create and maintain safe, respectful and inclusive workplaces. The PWSS can provide trauma-informed support, early intervention options and resolution pathways. The PWSS can be contacted by phone on 1800 747 977, by SMS on 0487 112 755, email at support@PWSS.gov.au.

The [Employee Assistance Program \(EAP\)](#) is a professional and confidential program which aims to enhance the emotional, mental and general psychological wellbeing of Parliamentarians and MOP(S) Act employees, and their immediate family and household members. The EAP can be contacted 24 hours per day, 7 days per week. EAP services can be accessed by calling 1300 360 364 or visit [the online app](#) (Username: pwss | Password: Wellbeing).



Phone 1800 747 977



Text the PWSS 0487 112 755

www.pwss.gov.au