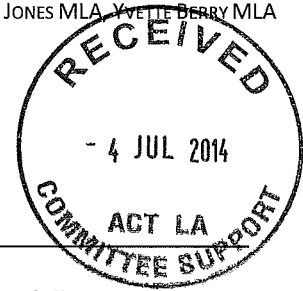




SELECT COMMITTEE ON ESTIMATES 2014-2015

BRENDAN SMYTH MLA (CHAIR), MARY PORTER AMA MLA (DEPUTY CHAIR), JULIA JONES MLA, YVETTE BERRY MLA

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**



Asked by Mrs Julia Jones on 18 June 2014: Chief Executive CIT took on notice the following question(s):

[Ref: Hansard Transcript 18 June p 416]

In relation to: Bully and Sexual Harassment complaints

- 1) Can you report to us the number of reports there have been in the last five years?
- 2) How many have been substantiated? 3) How many of them are currently accessing workers compensation as a result of the outcomes? 4) How many have been resolved and how many have not? 5) Also, over the same time period, have there been any reports, either official or unofficial, of sexual harassment or pregnancy harassment? 6) What is the process for dealing with reports of that nature?

The Minister for Education and Training: The answer to the Member's question is as follows:—

1. Since 2010 CIT has received 16 complaints of alleged bullying and/or harassment that resulted in a Preliminary Evidence Gathering (PEG) or investigation. These matters were raised through the CIT Executive Director, People and Organisational Governance and CIT Human Resources Department. A further 13 allegations of bullying and harassment were raised with the Commissioner for Public Administration as part of the Commissioner's complaints handling process during 2012.
2. When allegations of bullying and harassment are made a decision will be made to gather further evidence through a PEG process or conduct an investigation. When a PEG process is conducted there can be no finding made as to whether the allegation was substantiated or not as this can only occur where an investigation has been conducted. The purpose of a PEG is to recommend whether or not a misconduct investigation is required.

Of the 16 complaints that alleged bullying and harassment:

- seven PEG processes were conducted recommending no misconduct investigation required;
- four investigations were conducted, three of which were substantiated;

INSTRUCTIONS FOR ANSWERING QUESTIONS TAKEN ON NOTICE (QTON):

1. QTON answers must be lodged in signed hard copy (not emailed) to the Committee Support office within **5 working days of the hearing day when the question was taken on notice**. Day 1 is the first working day after the day of the hearing in which the question is taken on notice. **Example:** *If the question is taken on notice on Monday, you must submit the answer by close of business the following Monday. This applies even if the hearings for the portfolio stretch across several days.*
2. Where an answer provides a referral to sources of information in published documents, the answer should include the exact name of the document, the author and agency publishing the document, the specific page number/s, and a hyperlink to the document, if it is published on the internet.

- two were resolved through negotiation; and
- three are in progress.

Of the 13 allegations raised with the Commissioner for Public Administration seven PEG processes were conducted recommending no misconduct investigation required, and five investigations were conducted where bullying and harassment was not substantiated. One matter was not investigated as the respondent no longer worked in the public service.

3. Six people who alleged bullying and harassment are currently on compensation, noting that only one matter of bullying and harassment has been substantiated.
4. There are currently three matters in progress.
5. Since 2010 there have been five complaints relating to sexual harassment and none relating to pregnancy issues. Of those five, four were investigated with two substantiated and two not substantiated. A PEG process was conducted on the final complaint which recommended no misconduct investigation required.
6. As part of the ACT Public Sector the CIT is required to comply with legislative processes utilised across the service. This includes the *Public Sector Management Act 1994* and the Common Terms and Conditions which form part of CIT's Enterprise Agreements. The processes outlined below are drawn from those Common Terms and Conditions which are used to form the basis of Enterprise Agreements across the service. CIT also applies the ACTPS Respect, Equity and Diversity (RED) Framework, Code of Conduct and associated signature behaviours.

In addition, CIT has two policies (with associated procedures) that are specifically relevant to managing complaints of bullying and harassment, sexual harassment and discrimination:

- Discrimination, Harassment and Anti-Bullying Policy - The purpose of this policy is to articulate CIT's commitment to a work environment where staff members are treated fairly with dignity and respect. The associated procedure identifies what constitutes discrimination, harassment and bullying in the workplace. They address the intended outcome at CIT which is to create and maintain a harmonious, safe and healthy environment that is free from discrimination, harassment and bullying.
- Resolving Workplace Issues Policy - The purpose of this policy is to provide staff with guidance on how to manage issues that arise in the workplace between members of staff and to ensure that all workplace issues raised are managed in a fair, equitable and timely manner.

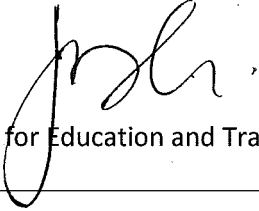
Dependant on the nature of the allegations made in the complaint CIT may initiate one or more of the following processes:

- Manage issue locally or escalate to Executive Level (Resolving workplace issues policy)
- Conduct a Preliminary Assessment (Enterprise Agreement- Workplace values and behaviours)
- Conduct an investigation (Enterprise Agreement- Misconduct and Discipline)
- Report matter to police
- Initiate an Internal Review (Enterprise Agreement – Internal Review Procedures)
- Initiate Dispute Avoidance/Settlement (Enterprise Agreement – Dispute Avoidance/Settlement Procedures)
- Initiate Underperformance (Enterprise Agreement – Underperformance)

The complainant also has a number of external agencies to which they can raise issues including the Human Rights Commission or the Fair Work Commission.

Approved for circulation to the Select Committee on Estimates 2013-2014

Signature:



Date:

27/10

By the Minister for Education and Training, Joy Burch MLA