



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2014-2015

Brendan Smyth MLA (Chair), Mary Porter MLA (Deputy-Chair),
Giulia Jones MLA, Yvette Berry MLA



ANSWER TO QUESTION ON NOTICE

Mrs Giulia Jones MLA: To ask the Attorney-General

In relation to: Bullying and Harassment
[QON-036-040]

I am interested in the Directorate's/Agency's approach to dealing with bullying complaints and issues.

- Tell me about bullying in the directorate/agency and what is being done about this issue?
- How many reports of bullying have been made in the last (5 years) and (10 years) periods?
- How many non-official reports and complaints were made
- How many of these reports are substantiated? How many of these people suffering bullying are currently off work on workers' compensation, and how many have had time off work on workers' compensation?
- Over the same time period, has there been reports of sexual harassment or other types of harassment, such as pregnancy harassment?
- What has been the process for dealing with reports of this nature?

Mr Simon Corbell MLA: The answer to the Member's question is as follows:—

- The Directorate has a Preventing Bullying and Harassment System in place that comprises five core elements being: Prevention, Education, Response, Resolution and Reporting. This system is underpinned by the whole of government Respect, Equity and Diversity (RED) framework, the ACTPS Code of Conduct and the Work Health and Safety Act 2011.
- The Prevention and Education elements include awareness raising such as training in work health and safety and ethics as well as an active RED contact Officer network, a Senior Executive RED sponsor, a complaint process, an accident and incident reporting framework, a work health and safety committee and ongoing commitment to leadership building and RED training conducted six times a year.

- The Directorates Response, Resolution and Reporting elements comprise an accessible and formal complaint form available through the JACS intranet, independent investigation and impartial assessment of complaints, Employee Assistance Program and mechanisms for review, appeal and mediation.
- The Directorate provides appropriate HR interventions and officer debriefing and support. Further, the Directorate evaluates the effectiveness of its training and conducts a comparative analysis of its incidents over time. The Directorate conducts staff surveys and analyses its workforce planning metrics.
- The Directorate is unable to comment on how many non-official reports and complaints were made. Only data on formal reports and complaints are retained by the Directorate for reporting purposes.
- JACS does not hold consolidated data on complaints of bullying and harassment prior to 2009, however JACS does hold consolidated data regarding these types of complaints from July 2009 onwards.
- In relation to the Attorney-General and the Emergency Services portfolios, from July 2009 to June 2014 the Directorate records indicate that it received 18 Bullying and Harassment complaints that were investigated or where an investigation was not undertaken as an individual admitted to the alleged behaviour and either administrative or discipline action was taken. Of these:
 - 10 claims were substantiated
 - 2 are ongoing;
 - Comcare records show during this period 5 employees whose complaints were substantiated had time off work on workers compensation for bullying and harassment of a varying duration. None of these employees are currently off work.
 - One of the substantiated complaints (which resulted in 2 employees with time off work) was later overturned on appeal.
- Of the 18 bullying and harassment complaints since 1 July 2009, three of these complaints were related to sexual harassment.
- Such complaints were managed in accordance with the procedures outlined above. The Directorate investigates complaints in accordance with the relevant Enterprise Agreement.

Approved for circulation to the Select Committee on Estimates 2014-2015

Signature:

Date: 14.2.14

By the Attorney-General, Mr Simon Corbell MLA