

Role of the PSC

The Parliamentary Workplace Support Service (PWSS) is an independent and confidential service that is focused on strengthening the culture and practice in Commonwealth parliamentary workplaces. It helps to resolve workplace issues and provide support for all Commonwealth parliamentary workplace participants impacted by workplace conflict. The PWSS is established as a function of the Parliamentary Service Commissioner (PSC) and is independent of executive government, employing parliamentarians and political parties.

The PSC is the statutory office-holder responsible for establishing and maintaining the PWSS. The PSC has four key functions in relation to the PWSS:

- Providing oversight and quality assurance over the PWSS's processes
- Receiving reports in relation to workplace reviews and monitoring advice about action taken
- Engaging with parliamentarians on appropriate action, and
- Escalation to the relevant Presiding Officer, in specified circumstances.

The PSC provides oversight and quality assurance over the PWSS' organisational processes

The PSC is provided with aggregated, de-identified reports on the work of the PWSS to enable them to monitor the workload of the PWSS and the efficacy of the service. The PSC has oversight of the policies and resourcing made available to the PWSS, to ensure it is delivering effectively.

The PSC does not engage in the day-to-day operations of the PWSS, and only receives personal information about clients or specific cases, as outlined in this document.

Where a complaint is made about the Head of the PWSS, the PSC will manage the complaint. Where this occurs, it may be necessary for the PSC to have access to personal information relevant to the complaint.

The PSC receives workplace review reports and monitors action taken on review outcomes

Where warranted, the PWSS is able to conduct workplace reviews, make findings and recommendations in relation to serious incidents, misconduct, or workplace conflict that amounts to a work health and safety risk, involving *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employees and/or parliamentarians. The PWSS will engage an independent workplace reviewer to conduct the workplace review to determine if the workplace conflict occurred and, if so, make recommendations.

The decision to initiate a workplace review is made by the Head or Assistant Head of the PWSS.

In limited circumstances, the PSC will make the decision whether a workplace review should be commissioned. This might occur where the Head of the PWSS has declared a conflict of interest or is unavailable for a period of time.

Where a decision is made to commission a workplace review, the Head or Assistant Head of the PWSS will engage with the PSC in relation to the appropriate reviewer and parameters of the workplace review to be conducted.

At the conclusion of a workplace review, the reviewer will provide a report that sets out a summary of the complaint, an outline of the process followed, any findings made on the balance of probabilities and recommendations on appropriate responses and timeframes for implementation.

The report will be provided to the Head of the PWSS, the complainant, the respondent, the relevant parliamentarian and the PSC.

The expectation is that the relevant employing parliamentarian (or parliamentarian, if they are the subject of the complaint) acts on the recommendations within the recommended timeframes.

The Head of the PWSS will follow up with the parliamentarian following provision of the workplace review recommendations, and again within the recommended timeframes to ascertain whether the recommendations have been complied with.

If a parliamentarian does not engage in the workplace review process, the Head of the PWSS will advise the PSC.

If the parliamentarian does not act in accordance with the recommendations and timeframe outlined by the independent reviewer, the Head of the PWSS will advise the PSC.

The PSC will engage with parliamentarians on appropriate action

Where the Head of the PWSS advises the PSC that a parliamentarian is not cooperating with the workplace review, or that a parliamentarian is not acting on the recommendations in accordance with the recommended timeframes, the PSC will engage with the relevant parliamentarian and encourage them to take the recommended action.

A parliamentarian *not cooperating with the workplace review* may involve a failure to respond to requests for information or participation by an independent workplace reviewer, a failure to provide requested information within reasonable timeframes, a refusal to enter into the Good Faith Confidentiality Agreement where requested to do so by the Head of the PWSS or unreasonable or unnecessary delays to participating in the process.

A parliamentarian *not acting on the workplace review recommendations within the recommended timeframes* may arise where the parliamentarian chooses not to follow the recommendation of the workplace review, or communicates an intention not to follow the recommendations, or where a parliamentarian fails to implement the recommendations within the timeframes set out in the workplace review.

The PSC has no power to compel or sanction parliamentarians in relation to the recommended action.

The PSC will refer matters to the relevant Presiding Officer

Where a parliamentarian continues not to cooperate with the workplace review, or to implement a recommended action, the PSC will escalate the matter to the relevant Presiding Officer. The PSC will advise the parliamentarian prior to taking this step to ensure the parliamentarian is aware of the escalation.

In the event that a Presiding Officer is the subject of, or directly and personally involved with a workplace review report, the PSC will escalate the matter to the relevant deputy Presiding Officer.

Where a matter is escalated from the PSC to a Presiding Officer, the following information will be provided to the relevant Presiding Office in writing:

1. The reason for the referral:

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- a. That the parliamentarian has not cooperated with a review undertaken by an independent workplace reviewer on behalf of the PWSS; or
 - b. That the parliamentarian has not acted on the recommendations made by a review undertaken by an independent workplace reviewer on behalf of the PWSS.
2. If the referral relates to a failure to act on the recommendations of the workplace review, a copy of the relevant recommendations.

To protect the confidentiality of the process, the recommendations will be redacted so as not to disclose the identity of the participants (other than the relevant parliamentarian) in the workplace review process. Where the recommendation relates to a member of the parliamentarian's staff (rather than the parliamentarian themselves), the identity of the staff member will only be disclosed to the Presiding Officer in limited circumstances where deemed necessary or relevant by the PSC.

3. Information that demonstrates a lack of cooperation or a failure to act on the recommendations of the workplace review. This may include a summary of the engagement between the PSC and the Head of the PWSS and the parliamentarian and any relevant material provided by the parliamentarian.
4. A request that the relevant Presiding Officer refer the report to the relevant Committee (the Committee of Privileges and Members' Interests or the Committee of Privileges).

The PSC has no discretion not to escalate the matter in these circumstances.

The PSC will notify the parliamentarian and the relevant party leader if the matter is escalated.