



COMMONWEALTH PARLIAMENTARY ASSOCIATION

# ANTI-HARASSMENT POLICY GUIDELINES: A TOOLKIT FOR COMMONWEALTH PARLIAMENTS



## About the CPA

The Commonwealth Parliamentary Association (CPA) connects, develops, promotes and supports parliamentarians and their staff to identify benchmarks of good governance and the implementation of the enduring values of the Commonwealth. The CPA collaborates with parliaments and other organisations, including the intergovernmental community, to achieve its statement of purpose. It brings parliamentarians and parliamentary staff together to exchange ideas among themselves and with experts in various fields, to identify benchmarks of good practices and new policy options they can adopt or adapt in the governance of their societies.

## About the CWP

The Commonwealth Women Parliamentarians (CWP) is the network of women Members of the Commonwealth Parliamentary Association's parliaments and legislatures. The CWP, as an integral part of the CPA, works for the better representation of women in parliaments and legislatures and for the furtherance of gender equality across the Commonwealth.

The CWP network provides a means of building the capacity of women elected to parliament to be more effective in their roles, improving the awareness and ability of all parliamentarians, male and female, and encouraging all parliamentarians to include a gender perspective in all aspects of their role - legislation, oversight and representation - and helping parliaments to become gender-sensitive institutions.

## About the author

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# FOREWORD FROM THE CWP CHAIRPERSON

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With the 'MeToo' Movement awakening the world to those who have been affected by sexual violence and harassment, the current climate presents parliaments with an opportunity to radically transform communities and institutions.

In a study conducted by the Inter-Parliamentary Union (IPU) on *Sexism, Harassment and Violence Against Women in Parliaments in Europe*, it was found that over 40% of female parliamentary staff had experienced sexual harassment at work<sup>1</sup>. Additionally, 82% of women parliamentarians who participated in the IPU's international study on sexism, harassment and violence against women parliamentarians have suffered psychological violence during their term in office<sup>2</sup>.

The Commonwealth Women Parliamentarians (CWP) network is committed to promoting gender equality in all areas of parliamentary life. Since its creation in 1989, it has been dedicated to raising the awareness of issues that deeply affect women across the Commonwealth. The CWP acknowledges that the ability to eradicate harassment will require the participation of all.<sup>3</sup> At the 6th Triennial CWP Conference, held in the margins of the 64th Commonwealth Parliamentary Conference in Uganda the issue of bullying and harassment in the workplace was highlighted as an important issue which needed to be tackled across the Commonwealth and beyond. Women parliamentarians of all political ideologies, from the largest to the smallest legislatures in the Commonwealth emphasised their commitment to drive change, both within their jurisdictions and abroad.

Commonwealth parliaments have accepted the fundamental value of Human Rights, which is to advocate for equality, respect and the protection of people regardless of their age, gender, nationality and political background. Legislatures have also recognised the principle of tolerance, respect and understanding which looks at recalling '*respect for the dignity of all human beings*'<sup>4</sup>, however, harassment persists in every sector of work and can and does include parliaments.

The devastating consequences of this intolerable behaviour are far-reaching. Not only does this negatively affect and alter the lives of Members of Parliament, Members' staff, parliamentary staff, families and communities, but it also has the potential to destroy public trust and may raise questions about their parliament's failure to lead by example.

The structure and content of these guidelines is designed to help legislatures, regardless of their experience, to promote and maintain an internal working environment that has a zero-tolerance approach to all forms of harassment. Using a wide range of policies from parliaments across the CPA's membership as case studies, these guidelines take a step by step approach that offers practical methods that can and should be incorporated in respective policies and strategies.

As both a visible and representative institution, parliaments must show leadership and set an exemplary standard for their jurisdiction or country. Therefore, parliaments must take a proactive and symbolic role in having such policies in place.

Parliaments are invited to select, amend and adopt applicable components that may be useful in asserting and advancing efforts to create a harassment-free working environment.

Both the CPA and the CWP network will continue to work with our 180 Branches to combat harassment in all its forms. We hope that this resource will contribute to parliaments' success in identifying benchmarks and good practice for the betterment of society.

Hon. Shandana Khan MNA,  
Commonwealth Women  
Parliamentarians Chairperson  
and Member of the National  
Assembly of Pakistan



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1. <https://www.ipu.org/resources/publications/issue-briefs/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe>  
2. <https://www.ipu.org/resources/publications/reference/2019-11/guidelines-elimination-sexism-harassment-and-violence-against-women-in-parliament>  
3. 64th Commonwealth Parliamentary Conference: CWP Session 4: Combatting Bullying and Harassment Within Parliaments, pages 24 – 25  
4. <https://thecommonwealth.org/sites/default/files/page/documents/CharteroftheCommonwealth.pdf>



# INTRODUCTION TO HARASSMENT

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In order to develop an effective policy, all parliaments in the Commonwealth should be aware and able to understand the concept of harassment and the negative role it can play in the workplace.

## WHAT IS HARASSMENT?

Harassment can be identified as unwanted behaviour directed at an individual with the purpose or intent of humiliating, disrespecting, intimidation, hurting or offending them.

This unwanted behaviour could include but is not limited to:

- **Discriminatory:** unwanted, harmful and unfair treatment towards an individual that is based on the grounds of age, disability, gender, language, nationality, political view, religion, race, sexual orientation or other status.
- **Sexual:** unwanted sexual advance or request directed at an individual such as inappropriate physical contact or remarks about a person's body or clothing, unwanted messages, calls, gifts or advances;
- **Physical:** unwanted physical contact or action directed at an individual, such as direct threats with the intent to harm, physical attacks such as hitting, kicking and pushing;
- **Psychological:** unwanted behaviour or actions that can negatively impact an individual's mental wellbeing, such as spreading rumours, belittling comments or discrediting, opposing or challenging an individual's proposals.

Harassment could also include some bullying behaviour, such as verbal or written abuse, threats, rude jokes, facial expressions and gestures, amongst many other actions.

Additionally, **coercion**, the action of forcefully persuading or threatening an individual to do something which includes behaviours, such as blackmail, extortion, threats or physical and sexual assaults could also be considered as a form of harassment.



## WHY DOES HARASSMENT OCCUR IN PARLIAMENTS?

Harassment can occur in the workplace for numerous reasons which can be linked to underlying issues in the working environment and working cultures of a parliament. Therefore, the causes behind harassment may vary across one country to another.

However, most commonly, harassment is present because of:

- The abuse or misinterpretation of power;
- The existence of certain social behaviours and norms;
- A lack of accountability;
- Little to no performance management;
- The failure to establish robust communication between the employer and employee;
- An absence or lack of clear procedures needed to successfully resolve complaints;
- The false assumption that harassment isn't an issue or applicable to the parliament;
- Issues around the role of parliamentarians being both the employer and client;
- The lack of resources and time dedicated to developing and implementing existing anti-harassment policies;
- Misconception that good behaviour only extends to actions taken in the chamber and not outside of parliament;
- Poor internal communication and insufficient understanding of the role and remit of staff;
- The perception of bias or partisanship of staff;
- The belief that tackling the issue or developing policies to address harassment is the responsibility of others;
- The existence of certain working practices and conditions that may create an environment of potential harassment, such as travelling abroad for work and working anti-social hours.

## WHO TAKES RESPONSIBILITY?

Employers in a parliamentary context could be the government, individual parliamentarians, political parties, a parliamentary service commission, or even externally contracted or self-employed personnel.

Although parliaments have a duty of care for all persons working within their precinct, parliaments must work with the Executive, government departments and agencies to determine who will tackle the issue of harassment, or develop policies to protect these persons who may not have been directly employed by the parliament.

## WHY MUST PARLIAMENTS ACT TO PREVENT HARASSMENT WITHIN PARLIAMENT?

As an employer, parliaments have a duty of care to all persons operating within their walls, from parliamentarians to security officers - to ensure that they are protected from anything that may cause them physical or psychological harm. A parliament's inability to prevent harassment in the workplace could, unintentionally, reinforce attitudes and behaviours that create a negative and hostile work environment. As a consequence, staff and others may experience high levels of anxiety, stress and depression, which can manifest low levels of morale, reduced productivity and performance, and an increase in absenteeism.

The failure to work towards preventing harassment in the parliamentary workplace could also damage working relationships amongst parliamentarians and parliamentary staff and lead to high staff turnover, as many may no longer feel safe working in such an environment. Additionally, parliamentarians and senior parliamentary officials may also face negative press and unfavourable public attention which may undermine their reputation and that of parliament. It is therefore important that parliaments must always lead by example and consider the message they are sending to the public if they do not take active measures to prevent the spread of harassment in the workplace. Failure to do so could tarnish a parliament's public image and reputation as a symbol of democracy and human rights.

# MISCONCEPTIONS ABOUT HARASSMENT

Whilst research predominately highlights the experience of women, harassment can be experienced by a person of any gender!

## HARASSMENT IS A WOMEN'S PROBLEM?

Gender-based violence and harassment disproportionately affect women and girls. In the workplace, women may face bullying, intimidation, insults, threats of a sexual manner, physical violence, sexual assault or rape<sup>5</sup>. Ensuring the eradication of this harassment in all forms, through an inclusive and gender-sensitive approach, is key to creating a safer and more responsive workplace for everyone.

Whilst this toolkit recognises and aims to confront the disproportionate impact of workplace harassment on women, it is also important to note that all genders and sexes can be subject to and perpetrators of harassment.<sup>6</sup> Studies focusing on social isolation and exclusion for example report that men appear to be more impacted by these factors in comparison to women and research on non-binary people in the workplace suggests they may be subject to more frequent discrimination, hostility and ostracisation than their male or female counterparts.<sup>7</sup>

Research also reveals that harassment is perceived and explained differently across genders and sexes for a number of reasons, including the role of gender socialisation - the learnt attitudes, behaviours, rules and values that are associated with a gender. It is argued that as a result, individuals have different coping strategies when addressing or dealing with matters relating to harassment.<sup>8</sup>

It is therefore crucial that a parliament's anti-harassment policy is inclusive and responds to the needs of everyone within the workplace, regardless of their sex, gender or other protected characteristics.

## THE ONLY PERSON THAT CAN MAKE A COMPLAINT IS THE PERSON WHO HAS EXPERIENCED THE HARASSMENT?

It is everyone's responsibility, regardless of their position, to speak out against harassment and address any inappropriate and disrespectful behaviour in the workplace, which they may happen to witness. Doing this will discourage others to accept such behaviours and will, in the long-term, help to create a safe and respectful working environment. It is the parliament's responsibility to make certain that everyone is aware of, and understands, the reporting procedures.

## HARASSMENT CAN ONLY OCCUR IN PHYSICAL SETTINGS?

Harassment can be experienced online through the internet, emails, and social media platforms such as Twitter, Facebook and Instagram. It can also be experienced remotely through text and calls.

5. <https://www.ipu.org/resources/publications/reference/2019-11/guidelines-elimination-sexism-harassment-and-violence-against-women-in-parliament> (page 2)

6. [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL\\_STU\(2018\)604949\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf) (page 19)

7. <https://hbr.org/2020/03/creating-a-trans-inclusive-workplace>

8. [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL\\_STU\(2018\)604949\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf) (page 19)



## IT IS NOT HARASSMENT IF THE PERSON DOES NOT COMPLAIN?

Many people do not report their experiences of witnessing or enduring harassment as they are of the belief that the complaint may not be taken seriously. They may also feel that they will be judged, lose their job, or if the harassment was historical, that they may be too late to report their experience. Additionally, the experiences may be too sensitive or distressing for an individual to recount.

It should be made clear that it is never too late to report, or make a complaint about an incident relating to harassment in any form. Nonetheless, tolerance or apathy towards harassment will create a hostile working environment, and reports of complaints should be encouraged as early as possible to ensure that the matter is resolved accordingly. Where parliaments or their countries have imposed legal or procedural time limitations on reporting, consideration should be given to lengthening them or ending such limitations.

## ONLY MANAGERS CAN HARASS A JUNIOR COLLEAGUE?

Anyone, irrespective of their role and relationship with the harasser, can be a target of harassment. It is therefore the parliament's responsibility to safeguard all persons working in parliament against all types of harassment.

Harassment can also be perpetrated by a 'third-party' who is not directly employed by the parliament. Such individuals could include, but not be limited to, business contacts, members of the public, visitors, suppliers or contractors.

Parliaments have a duty of care to ensure that parliamentarians, parliamentary staff and others employed by them are safe and protected from acts of harassment by a third party in the same way it would protect persons if they were harassed by a parliamentarian or colleague.



## Sexual Harassment Complaint Form

## A SINGLE EVENT CANNOT BE CONSIDERED HARASSMENT?

Harassment can include one single occasion and there does not have to be a series of incidents or sustained mistreatment. Every time a person experiences unwanted disrespectful behaviour it is harassment. It must be made clear that nobody should have to endure or witness prolonged harassment, or for the harassment to reach a certain threshold, before making a complaint.

As previously highlighted, it should be highly encouraged that incidents are reported as early as possible to prevent the incident from happening again and to ensure that the matter is resolved.

# TAKING ACTION!

Parliaments have a responsibility to enact rules, practices and procedures to mitigate the risks of harassment.

The decision to introduce an anti-harassment policy to help establish a parliament that is harassment-free should be a choice that is made and led by the parliament with the input of key stakeholders. However, parliaments should always remain proactive and actively put measures in place to remove the presence of harassment and should not wait until a problem arises to develop or update their respective policy. Parliaments must therefore clearly establish who will be responsible for leading the work needed to develop the policy, how the work will be done, and of equal importance, who should be consulted.

## RESPONSIBILITY

It is important to recognise that the answer to the question of responsibility is largely dependent on the size and resource available within a parliament. Therefore, the answer will differ across legislatures.

Irrespective of this, it is highly advised that a department, group or individual in a position to assist with the administrative and operational functioning of parliament, employee relations and the welfare of all individuals should oversee the development of the policy, as they will most likely be involved in its implementation.

Persons could include, but are not limited to:

- The Speaker;
- The Clerk of Parliament;
- Human Resources Department;
- Parliamentary Service Commission or equivalent body responsible for the operational functions of parliament.

## ETHICAL GOVERNANCE

Developed to provide parliaments with a framework for excellence in Commonwealth parliamentary and legislative practice, the CPA Recommended Benchmarks for Democratic Legislatures<sup>9</sup> encourages both legislatures and legislators to adhere to ethical principles such as transparency, integrity, respect and accountability.

Benchmark 11.1 on Transparency and Integrity states '*Legislators should maintain high standards of accountability, transparency, responsibility and propriety in the conduct of all public and parliamentary matters including strict adherence to codes of conduct, and interest disclosure rules.*'

Concerning legislatures, the Benchmark asserts that '*The Legislature shall approve and enforce codes of conduct, including rules on conflicts of interest and the acceptance of gifts*' and stipulates that '*There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.*'

Parliaments are encouraged to access the CPA Recommended Benchmarks for Democratic Legislatures to obtain a standard and a guide on how a parliament should be constituted and how it should function.

9. [http://www.cpahq.org/cpahq/Main/CPA\\_Benchmarks/Main/Programmes/Benchmarks\\_for\\_democratic\\_Legislatures.aspx?h-key=31ea0d53-cc00-4f78-b77b-9cbd212c6080](http://www.cpahq.org/cpahq/Main/CPA_Benchmarks/Main/Programmes/Benchmarks_for_democratic_Legislatures.aspx?h-key=31ea0d53-cc00-4f78-b77b-9cbd212c6080)



## THE BOARD OF INTERNAL ECONOMY

In the Parliament of Canada, the Board of Internal Economy governs both the financial and administrative policies of the House of Commons. The Board has both the responsibility and authority to establish by-laws, policies and guidelines relating to expenditure and resources provided to Members in order to carry out their parliamentary functions.

In 2014, the Board adopted the House of Commons Policy on Preventing and Addressing Harassment, which applies to all Members and House Officers as employers, to their employees, and to Research Office employees. The policy addresses harassment prevention, processes for filing informal and formal complaints, investigating and reporting, appeals, and communicating findings.

The Board consists of the Speaker who serves as the Chairperson, two members of the Privy Council who are appointed by the Government, the Leader of the Opposition (or his or her representative) and additional Members of Parliament appointed in numbers to ensure that there is an equal number of representatives from the Government and the Opposition. The Clerk of the House of Commons serves as Secretary to the Board. Parliaments are encouraged to access the CPA Recommended Benchmarks for Democratic Legislatures to obtain a standard and a guide on how a parliament should be constituted and how it should function.

## POLICY CONSIDERATIONS

What to consider when deciding who will develop the policy:

- Does the individual, entity or department have the authority to develop and implement the policy?
- How long will it take to complete the policy and how soon does the parliament need it?
- Does the entity or individual have an awareness of the issue of harassment in the parliament?
- Does the individual have experience developing policies?
- Will the entity or individual have the ability to remain impartial?
- Should the document be produced internally?
- Will this responsibility and work required to develop the policy impact the work of the department or individual?
- What is the cost implication?
- Will the entity or individual be available and fully committed to developing the policy?

## MODEL LAW FOR INDEPENDENT PARLIAMENTS

In May 2020, the Commonwealth Parliamentary Association released a Model Law to help empower parliaments to take control away from the Executive to ensure it has the administrative, operational and financial resources it needs to function effectively.

Designed as a Parliamentary Service Commission Bill and developed with expert input from leading Commonwealth legislative drafters and parliamentary Clerks, the Model Law seeks to create a parliamentary corporate body to oversee the institution of Parliament. The Model Law can be adapted to suit unicameral or bicameral parliaments, small or large legislatures at either a national or subnational level.<sup>10</sup>

Commonwealth parliaments that are well resourced and empowered to make decisions as independent institutions are better equipped to develop policies and strategies, like anti-harassment policies, to ensure the well-being of staff within a parliamentary service.

10. [http://www.cpahq.org/cpahq/Main/Programmes/Model\\_Law.aspx](http://www.cpahq.org/cpahq/Main/Programmes/Model_Law.aspx)

## WORKING GROUPS

Once a decision has been made as to who will be responsible for overseeing the development of the policy, parliaments should consider commissioning one or multiple working groups.

A working group, should be created to assist the individual or group responsible for the development and implementation of the policy. The Group should be designed to bring together a variety of individuals who possess the relevant experience, knowledge or skills who will collectively undertake assigned tasks and activities in order to achieve the project's objective. This should be done with the intention of drafting or amending the parliament's anti-harassment policy.

As the policy is intended to change the environment of parliament to one that is free of harassment, legislatures should be aware of how this new procedural change may affect the decisions, actions, behaviours of individuals and possibly the services provided to them by other associations. For that reason, parliaments ought to ensure that the make-up of a working group is one that is representative of all the individuals who will be subject to the policy.

Parliaments are encouraged to seek the involvement of Members belonging to their parliament's CWP chapter if present, women's parliamentary caucus, gender equality committee or other informal cross-party groups or equality networks that focus on promoting and achieving gender for all persons in every part of parliament.

Other persons that should be considered and are not limited to, include the following:

- Representatives from Trade Unions;
- Representatives of Political Parties;

- Representatives from Ministries;
- Relevant Parliamentary Services Commissions responsible for the operational functioning of parliament;
- Representatives of Employment Tribunals;
- Research groups
- Parliamentarians;
- Parliamentary staff and Members' staff;
- Security Services.

As an entity that will be responsible for drafting the policy, it is imperative that working groups establish and maintain effective communication with one another should a parliament decide to have more than one. Equally, working groups are required to establish effective communication with all individuals responsible for the development and implementation of the policy.

Below are some proposed activities that working groups should be responsible for delivering. Should there be more than one working group, responsibilities could be split, however, all working groups should contribute to the drafting of the policy.

- Order an independent review (if possible or applicable);
- Hold consultations and develop and share surveys with key stakeholders;
- Conduct research assessing existing policies, behaviours and attitudes;
- Identify areas of best practice that should be adopted in the policy;
- Draft and propose the policy – an activity to be done together with all working groups if there is more than one.

While these options are available to all, legislatures must choose a process that is suitable and accommodates their resources and needs. For that reason, parliaments should consider factors such as time, expenses, capacity, experience and availability when deciding who will take charge of producing the policy.

### THE SCOTTISH PARLIAMENTARY CORPORATE BODY

In January 2018, the Scottish Parliamentary Corporate Body (SPCB) set up a Joint Working Group on sexual harassment to review the issue of sexual harassment and sexist behaviour in the Parliament and to produce a draft policy and procedure for dealing with the issue.

The Working Group comprised of senior parliament officials, representatives from each political party and an external expert to review how the Parliament should address the issue.



## CONTRIBUTION OF WOMENS NETWORKS

In 2018, the CWP New Zealand chapter developed and distributed a survey to women parliamentarians on bullying and harassment in the New Zealand Parliament.

The results of the survey and some of the information received from women parliamentarians who completed the surveys were referenced in an external review of Bullying and Harassment in the New Zealand Parliamentary Workplace conducted by an independent reviewer at the request of the Parliament.

## EXTERNAL INDEPENDENT REVIEW: BULLYING AND HARASSMENT IN THE NEW ZEALAND PARLIAMENTARY WORKPLACE

In May 2019, The New Zealand Parliament published a report that was produced by a consultant following their external independent review of the issue of bullying and harassment in the Parliament. The report of the review provided the Parliament with very detailed information on the findings and observations and provided the Parliament with a list of wide-ranging recommendations on what actions should be taken to resolve the issue.

For further information, please read the [REPORT OF THE EXTERNAL INDEPENDENT REVIEW](#)

## ASSESSING EXISTING POLICIES, BEHAVIOURS AND ATTITUDES: PARLIAMENTARY PRIVILEGES AND CODES OF CONDUCT

For many parliaments whose constitutions are based on the Westminster system, Members are granted legal immunities, protection against any criminal or civil prosecution of actions or statements. This is limited to acts undertaken in the course of their legislative duties during parliamentary proceedings which may include, and is not limited to, committee hearings, debates and published reports without interference from outside the House.

While many parliaments such as the Lok Sabha<sup>11</sup> and the Parliament of Australia<sup>12</sup> argue that Freedom of Speech is the most important privilege for Members of Parliaments, parliaments must ensure that this privilege is taken in to consideration as part of its anti-harassment policy deliberations.

To manage this issue, Standing Orders and other rulings regarding the behaviour of Members in the Chamber need to be reviewed by the working group(s) for the attention of the Privileges Committee and Standards Committee to update and to find a solution that ensures that this privilege is not abused.

Of equal importance, for many parliaments, parliamentary privilege does not mean that both parliamentarians and parliaments are completely exempt from the law. For many, where the behaviour of a parliamentarian outside of parliament is considered as an act of harassment, the law will apply to them as it would to anyone else within the jurisdiction.

In this respect, working group(s) should also assess Code of Conducts which set out the standards of behaviour that Members of Parliament are expected to abide by when carrying out their activities. Any amendments to the Codes of Conduct should then be presented to the House Committees such as the Standards or Conduct Committee for their action.

11. [http://sri.nic.in/sites/default/files/Indian%20Constitution%20and%20Parliamentary%20Privileges%20%E2%80%93%20A%20Background%20Note\\_0.pdf](http://sri.nic.in/sites/default/files/Indian%20Constitution%20and%20Parliamentary%20Privileges%20%E2%80%93%20A%20Background%20Note_0.pdf)

12. [https://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/Practice7/HTML/Chapter20/The\\_privilege\\_of\\_freedom\\_of\\_speech](https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7/HTML/Chapter20/The_privilege_of_freedom_of_speech)

## CONSULTATIONS AND SURVEYS

Working groups must confidentially solicit the opinion and actively engage with key stakeholders. Surveying stakeholders and requesting their participation in consultations are crucial to the success of the policy as they can:

- Promote understanding and problem solving between the parliament and concerned individuals or groups;
- Broaden the parliament's perspective of the issue through the exchange of diverse views and experiences which could lead to better and more informed decisions;
- Offer those who will be affected by the policy the opportunity to voice their opinions, needs and concerns;
- Help establish a collaborative partnership.

To get a clear understanding of the issue of harassment in the parliamentary workplace and environment, parliaments are encouraged to confidentially approach and gather information from all individuals that will be subject to the policy (parliamentarians, their staff, parliamentary staff, security services, volunteers etc.) who represent the diverse races, gender, age, nationality etc. of the parliament. Doing this will help create a safe space that will enable individuals to freely speak about their personal experience with the reassurance that any information shared

will be confidential and will in no way harm them.

For the purpose of maintaining the trust and protection of individuals involved in activities such as surveys, consultations, interviews etc., working groups must ensure that any information received relating to the identity of an individual that has disclosed sensitive information is safely stored to protect their identities.

Should the parliament publish any of the information received in future publications, it must ensure that the individual's personal information is also removed from the publication. Information considered as personal data is not limited to an individual's name and surname, contact number, employee number, identification card, address, email address etc.

## INTERSECTIONAL HARASSMENT

When looking at an anti-harassment policy, it is important to take into consideration intersectionality. Intersectionality examines the various aspects of a person's social and political identity which may include gender, race, class, sexuality, religion, disability, physical appearance which may combine to create different types of harassment. For example, a disabled woman parliamentarian might face harassment from a colleague that is not distinctly due to her ability nor distinctly due to her gender, but due to a combination of both factors.

## WHAT TO CONSIDER WHEN CONDUCTING CONSULTATIONS AND SURVEYS:

- Are persons contributing in the process representative of the different professions, races, ages, nationalities etc. of individuals in the parliament?
- What questions will be asked?
- How will the confidentiality of persons involved be upheld?
- How will the data be presented?
- Will the findings be made public or remain private?



# POLICY STRUCTURE & CONTENT

The following sections of this toolkit will offer an in-depth examination of each of the sections that could be featured in an anti-harassment policy. It will additionally provide insight into what type of information parliaments can include and methods that could be endorsed.

Following the CPA's request sent to all CPA Regions and Branches regarding their parliament's anti-harassment policies<sup>13</sup>, the CPA recognised that the following sections were featured in the majority of anti-harassment policies received:

- **Title**
- **Purpose**
- **Application**
- **Definitions and examples**
- **Confidentiality**
- **Roles and responsibilities**
- **Process and procedure**

Parliaments are welcome to consider including additional sections to their respective policy should they wish to address elements beyond those mentioned above.

## TITLE

The title serves as the first impression that individuals reading and using the policy will have. Although this may seem obvious, it is crucial that the title is simple but, importantly, accurately describes and reflects the content of the policy. This will make it easy for people to identify the appropriate applications of the policy.

Below are some titles that parliaments in the Commonwealth have used for their respective anti-harassment policies:

- The KwaZulu-Natal Legislature - **Sexual Harassment Policy**
- The National Assembly of Quebec – **Policy on Preventing and Managing Situations involving Harassment in the Workplace**
- The Newfoundland and Labrador House of Assembly - **Harassment-Free workplace Policy**
- The Legislative Assembly of Saskatchewan - **Anti-Harassment Policy**
- Senedd Cymru – The Welsh Parliament - **Dignity and Respect Policy**
- Parliament of Singapore - **Advisory on Managing Workplace Harassment**
- New Zealand Parliament – **Policy on Harassment**

### WHAT TO CONSIDER WHEN SELECTING A TITLE?

- Does it reflect the aim and content of the policy?
- Will people be able to assume its contents by simply referring to its title?
- Is there a possibility that the policy could be mistaken for something else?

13. On 9 April 2020, CPA staff contact all Branches with the CPA membership to ask if Branches had Policies, or relevant documents that addressed the issue of Anti-Harassment in the Parliamentary Workplace.

## PURPOSE

The purpose should inform all readers of the specific needs the policy will address, which will seek to prevent and eradicate harassment in the workplace.

This section of the policy is important as it will make it clear to all parliamentarians, Members' staff, parliamentary staff, the public and current or future partners what exactly the parliament is looking to achieve.

Parliaments must clearly determine what they want to accomplish and what they envision a successful policy looking like, as the purpose will help parliaments maintain a clear focus on the goal, whilst also serving as a point of reference for the reader. Whether deciding to establish clear measurable objectives or systemically change the culture of the workplace, parliaments can use the purpose to successfully measure, monitor and determine if the policy is achieving what it sets out to do.

Parliaments should also seek to use this section as an opportunity to provide relevant information needed to contextualise the policy and justify its implementation. This can be done by referring to the authoritative basis for the policy which could be the passing of legislation, commitment to an international agreement or an initiative such as The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>14</sup>, value or policy that has been approved by parliament.

Alternatively, should none of these be applicable, a parliament can choose to briefly inform persons of events that led to the development and implementation of the policy, such as the findings of a select committee or decisions made during a strategy meeting. This will further reinforce the commitment and purpose of the policy.

### ZERO TOLERANCE APPROACH

The Scottish Parliament refers to their commitment to uphold a 'zero tolerance approach' as a guiding principle to preventing sexual harassment in their 2019 Sexual Harassment Policy. The zero-tolerance approach was designed to eliminate both sexist and inappropriate behaviour in the Parliament and was adopted in 2019 following the recommendations of the Scottish Parliament's Joint Working Group on Sexual Harassment.

For information on the findings please refer to the [REPORT](#).

#### AN EXAMPLE:

*'Following the development of the Anti-harassment Guidelines produced by the CPA Headquarters Secretariat in 2020, the Parliament has conducted an internal review on the issue of harassment in the workplace and has chosen to create this Policy that will come into effect from 31 January 2021.'*

*The Parliament will not tolerate disrespectful behaviour including bullying and harassment and is committed to fostering a safe working environment for all persons working or visiting its premises. It acknowledged that harassment in all its forms is a serious issue and must be seriously dealt with. It is everyone's responsibility to cultivate an atmosphere where all persons irrespective of age, belief, gender, nationality and race are not discriminated against but treated equally and with respect.*

*The Parliament will investigate and take the necessary actions where appropriate when dealing with persons who do not comply with the expected standards.'*

14. <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>



## WHAT TO CONSIDER WHEN DEVELOPING THE PURPOSE OF THE POLICY:

- Who should be involved in formulating the purpose of the policy? Who are the key stakeholders?
- What events led to the creation of the policy? Is this clearly stated in the policy for people to know?
- What does the parliament want to achieve? Is this clear and attainable? Can this be monitored?
- What message or approach does the parliament want the policy to send to the readers?

## APPLICATION

Parliaments should openly state who the policy is aimed at. It is advised that this is undertaken to eliminate any misinterpretation of its relevancy amongst readers, and its misapplication, which could lead to unwanted consequences, such as the reduced credibility of the policy.

It is highly recommended that parliaments ensure that the policy applies to all persons working within its walls. This should include - but not be limited to – parliamentarians, parliamentarians' staff, and parliamentary staff. This will allow individuals to understand their obligations as well as the standards they need to meet. Additionally, parliaments will not only ensure that all persons found in contempt of the policy will be held responsible for their own actions, but they will be in a better position to promote the fair and equal treatment of all people.

Should there be a decision to exclude or exempt certain individuals from the policy, the parliament must inform those individuals subject to the policy of individuals not included, prior to its implementation, to ensure there is a clear understanding of the approach taken. In the spirit of openness and transparency, parliaments should provide reasons and justifications for their decision to exempt or exclude those individuals. Parliaments should also clearly list those who are excluded within the policy itself and should identify other documents, rules or policies that apply to those exempt and excluded individuals.

Here are some examples of documents that could be referred to:

- **For parliamentarians:** Codes of Conduct for Members of Parliament, Codes of Conduct for Government Ministers, Members' handbook, political party codes of conduct or rules and, Standing Orders (where applicable)
- **For the staff of parliamentarians and parliamentary staff:** parliamentary staff guides or employee handbooks, contracts of employment, policies developed by Unions, employment law and the Speaker's rulings

### CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

In 2016, the Commonwealth Parliamentary Association published Recommended Benchmarks for Codes of Conduct applying to Members of Parliament in parliaments and legislatures across the Commonwealth.

Designed by experts on the development of parliamentary Codes of Conducts and with the knowledge shared from first-hand experience of parliamentarians, the CPA recommended Codes of Conducts as a tool aims to develop or revise and strengthen existing provisions affecting the conduct of parliamentarians.

Parliaments and legislatures are encouraged to access [CPA RECOMMENDED BENCHMARKS FOR CODES OF CONDUCT APPLYING TO MEMBERS OF PARLIAMENT](#), for key principles on parliamentary codes of conduct.

Parliaments are greatly encouraged to conduct periodic reviews and identify additional persons that could be protected and subject to the standards and obligations of the policy.

The majority of legislatures within the CPA membership frequently organise events and activities for the benefit of parliamentarians, constituents, students and more. In addition to these respective events, many hold CPA-related activities around Commonwealth Day and have, or will in future, host a CPA Programme. These activities often require the attendance and participation of persons not ordinarily associated with the parliament and, therefore, it should be the duty of all parliaments to ensure that these persons also feel safe and respected.

Key persons that should be considered by parliaments include, and are not limited to, the following:

- Vulnerable persons such as children, persons with disabilities;
- Interns and persons conducting work experience;
- Volunteers;
- Visitors.

**AN EXAMPLE:**

*'This policy will apply to all Members of Parliament, their staff, parliamentary staff and other persons employed by the Parliament including those contracted to work (paid or unpaid) for the Parliament.'*

*This policy, the Code of Conduct and the values codes of behaviour stated in staff handbooks will govern the behaviour of these persons at all times. It will be applicable for those working or engaging in activities closely related to their work on the parliamentary premises, in a Member's constituency or elsewhere.*

*It is expected that anyone who uses or works on the parliamentary premises respects and upholds the standards of conduct expressed in this Policy.'*

### **WHAT TO CONSIDER WHEN IDENTIFYING THE APPLICATION OF THE POLICY?**

- Who is to be covered by the policy?
- Are there justifiable reasons to exempt certain individuals from the policy? If so, how will the parliament communicate this to others applicable to the policy?
- Will the application of the policy make any other policies void or redundant?



## DEFINITIONS & EXAMPLES

This section of the policy should seek to unambiguously define all the inappropriate behaviours considered as ‘harassment’, as well as the procedural terms that are used in the policy.

Clear definitions are essential to guarantee that everyone has a uniform understanding of the terms used, especially those that may not be commonly understood.

In the information shared with the CPA Headquarters Secretariat from national and regional parliaments concerning their respective anti-harassment policies, it was found that the below terms were frequently included. Parliaments are welcome to accept or amend the following definitions as where appropriate.

*\*All definitions listed below for the purpose of this toolkit are not intended to prescribe or preempt the definitions in individual parliaments’ policies.*

## DEFINITIONS OF INAPPROPRIATE BEHAVIOURS

- **Abuse of authority:** The inappropriate use of an individual’s authority or position against another that serves no legitimate work purpose, but rather creates an intimidating and degrading environment for an individual.
- **Bullying:** A persistent pattern of abuse or mistreatment that is intended to harm or offend an individual physically or emotionally.
- **Discriminatory harassment:** The harmful and unfair treatment of a person that is based on the grounds of age, disability, gender, language, nationality, political view, religion, race, sexual orientation or other status.
- **Harassment:** Defined as the unwanted behaviour directed at an individual irrespective of gender with the purpose or intent of humiliating, disrespecting, intimidating, hurting or offending them. This uninvited behaviour could include bullying, verbal or written abuse, threats, rude jokes, facial expressions and gestures amongst many other actions.
- **Sexual harassment:** The unwanted sexual advance or request directed at an individual irrespective of gender with the purpose or intent of humiliating, disrespecting, intimidating, hurting or offending them. This uninvited behaviour could be verbal, physical or written conduct, or threats, rude jokes, facial expressions and gestures amongst many other actions that are of a sexual nature.

Parliaments may also wish to consider including other inappropriate behaviours such as coercion, blackmailing, extortion etc. that are unacceptable and should not be actioned by anyone.

These inappropriate behaviours may be considered as actions that could fall within the category of harassment which is defined as ‘the unwanted behaviour directed at an individual with the purpose or intent of humiliating, disrespecting, intimidation, hurting or offending’.

## DEFINITIONS FOR PROCEDURAL TERMS

- **Complaint:** A written or verbal allegation of harassment which is based on actions and conducts as defined in the policy.
- **Complainant:** An individual who believes that they have been a victim of harassment and who has filed a complaint.
- **Respondent:** An individual who has been accused of harassment.
- **Parties:** The complainant(s) and respondent(s) to a complaint.
- **Investigation:** The detailed and official examination of facts relating to a harassment complaint.
- **Mediation:** The voluntary process used to resolve a dispute between two individuals, or a group supported by an impartial person to help parties arrive at a mutually acceptable solution.
- **Witness:** An individual who has seen the act of harassment take place.
- **Workplace:** A virtual or physical location where an individual engages in activities related to their work.
- **Workplace Violence:** The attempt or real delivery of physical force, threatening behaviour or statement against an individual that provides justifiable reason to believe that a physical act of violence will be used against them at work.
- **Workplace Conflict:** The continuous disrespectful and inappropriate behaviour, dispute or breakdown in communication between two or more individuals.

Individuals or groups referred to with pronouns such as *you, we, they, everybody* or *someone* or nouns such as *individuals, employees, employer* or *management* should also be identified in the procedural terms.

Distinguishing the individuals will prevent confusion amongst the users of the Policy.

## EXAMPLES OF ACCEPTABLE AND UNACCEPTABLE BEHAVIOURS

Whilst definitions should be given to explain the terms contained within the policy, parliaments and legislatures are equally encouraged to go further and present a comprehensive list of examples of what it considers to be acceptable and unacceptable behaviours. This will inform individuals of what the institution will and will not tolerate under the policy.

Additionally, examples can serve as a guide to help individuals identify and act accordingly when they witness unacceptable behaviours. An obvious way to do this would be to have a simple list of '*Do's and Don'ts*' similar to the below examples:

### Acceptable behaviours:

- Acting honestly
- Allowing one person to speak at a time
- Being inclusive
- Taking ownership and responsibility for your own mistakes
- Demonstrating good manners (saying '*please*' and '*thank you*')
- Providing opportunities for input and participation
- Being open to listening to someone else's point of view even when it differs to your own



- Offering assistance when someone requires help
- Participating in positive social humour (sharing jokes and laughing)
- Recognising and praising someone for their good work and achievements

**Unacceptable behaviours:**

- Angry or threatening outbursts
- Belittling an individual
- Public embarrassment
- Intentionally excluding or isolating someone in social settings
- Looks, gestures and glares that cause discomfort
- The display of racist, offensive, inappropriate pictures or materials
- Spreading false information or rumours about an individual
- Stalking
- Wolf-whistling
- Treating an individual differently or refusing to work with someone based on their gender, race or other status
- Unwelcome enquiries or comments about an individual's personal life, physical attributes or appearance
- Unwanted physical contact or invasion of personal space
- Physical gestures that are used to express frustration, ridicule, or isolate another an individual

**NOT considered unacceptable behaviours:**

- Constructive and fair feedback on performance or behaviour at work
- Direct supervision of work or performance
- Guidance on how to complete a work-related task
- One-to-one meetings with manager, supervisor or other colleagues concerning matters or activities related to work

## WHAT TO CONSIDER WHEN CREATING DEFINITIONS AND PROVIDING EXAMPLES?

- What are the Parliament's core values and guiding principles of behaviour and attitude in the workplace?
- What are accepted and practiced cultural habits?  
*(Parliaments and legislatures may find it necessary to include national or regional perspectives on what actions or behaviours could be perceived as a form of harassment)*
- What activities would not be considered inappropriate?

## ROLES & RESPONSIBILITIES

As stated in the chapter on *Misconceptions about Harassment*, it is recognised that everyone has the responsibility to create a safe working environment. Therefore, it must be acknowledged that, in order to make an anti-harassment policy effective, legislatures should ensure that all persons are informed of their authority and responsibility to enforce the policy.

When roles and responsibilities are clearly defined, all persons accountable to the policy will be in a better position to understand what is expected of them.

It should also be noted that persons such as parliamentarians, clerks, Human Resources officers and others with supervisory and/or management responsibilities, have a higher burden of responsibility when enforcing the policy, in comparison to junior parliamentary staff and staff of Members of Parliament, visitors and many more. Therefore, it is imperative that the policy must also recognise their role in enforcing a harassment-free workplace.

### AN EXAMPLE:

*'All persons working in parliamentary workplaces have a duty to build and maintain a working environment that is both respectful and safe for all.*

*It is expected that all persons adhere to the policy by doing the following:*

- *Demonstrate, and be a good example of, accepted and appropriate professional behaviour and conduct;*
- *Take prompt and appropriate action when aware of, or experiencing, an incident of harassment;*
- *Cooperate when required to confirm details of a complaint;*
- *Respect confidentiality when appearing as a complainant, respondent, or witness in an investigation;*
- *Speak up and challenge any harmful or inappropriate behaviour that may be witnessed or experienced.*

*The Clerk will:*

- *Ensure that parliamentarians, their staff, parliamentary staff and other employees all comply with the policy and are aware of their role;*
- *Seek the services of an independent advisor to deal with complaints that cannot be resolved by a Human Resources Officer;*
- *Coordinate and ensure that all Members of Parliament receive appropriate training related to workplace harassment;*
- *Inform all persons applicable to the policy of any amends or changes;*
- *Monitor parliament's overall compliance to the policy.*

*Human Resources will:*

- *Receive, acknowledge and review formal complaints of harassment;*
- *Facilitate complaint proceedings where appropriate;*
- *Ensure that all complaints are treated seriously and in a sensitive manner respecting all persons involved;*
- *Provide parliamentarians, their staff, parliamentary staff and others employed by the parliament expert advice on both the interpretation and application of the policy;*
- *Decide on what disciplinary action to take (should there be any).*

*Parliamentary staff and Members' staff with management and supervisory responsibilities will:*

- *Ensure that the policy is being implemented;*
- *Check that staff understand the policy and its procedures;*
- *Ensure that staff correctly undertake their responsibility as referenced in the policy;*
- *Organise training and educational opportunities that relate to workplace harassment for staff under their supervision;*
- *Work with the Human Resources Officer to resolve complaints.*



The Parliament will:

- *Adopt and promote the policy;*
- *Ensure that the policy is distributed to parliamentarians, their staff, parliamentary staff and other directly employed staff by the Parliament and available and accessible to all on the parliamentary website;*
- *Monitor all reported complaints;*
- *Commit to frequently updating the policy.'*

## WHAT TO CONSIDER WHEN DEFINING ROLES & RESPONSIBILITIES?

- What are additional responsibilities that can be given to parliamentarians, senior parliamentary officials, persons with supervisory and management responsibilities and, those working in Human Resources to help enforce and raise awareness of the policy?
- Who else can be included and what can they do to enforce the policy?

## PROCESS & PROCEDURE

This section of the policy should detail the process and procedures that will be used in the event that a complaint has been made.

Legislatures should commit themselves to creating an environment in which individuals feel comfortable and safe when reporting any act of disrespectful behaviour or harassment that takes place in their working environment. For this reason, parliaments should consider adopting the following two options as methods to help resolve issues relating to harassment in the workplace:

- Informal Procedure
- Formal Procedure

It is highly advised that a record of all complaints and informal or formal resolution procedures is maintained. These records would then serve as a point of reference in the future, should a similar situation occur again.

## HARASSMENT REPORTING LINE

As part of the means to create a safe environment for people to report any incidents relating to harassment, Singapore's Tripartite Advisory on Managing Workplace Harassment advises all employers including the Parliament of Singapore to consider establishing a harassment reporting hotline. The hotline could provide a safe environment for all persons wishing to raise a concern or complaint anonymously and without fear of penalty or reprisals.

## INFORMAL PROCEDURE

This option involves the complainant or witness communicating with the respondent (the individual accused of harassment) to resolve the issue. Should either the complainant or witness not be in a position to directly address the respondent or feel comfortable doing this, the policy should allow for these individuals to be supported by their manager, supervisor or another individual that they are directly accountable to or a Human Resources Officer.

If an informal procedure has not delivered a satisfactory outcome or result, it is highly recommended that a more formal approach to resolving the matter be taken.

### ADDRESSING INAPPROPRIATE BEHAVIOUR IN GROUP MEETINGS ANONYMOUSLY

The Legislative Assembly of Manitoba provides the option of resolving issues relating to disrespectful behaviour anonymously, during group meetings, for persons wishing to maintain anonymity when making an informal complaint. This method permits an individual to approach a senior colleague such as a supervisor or manager and inform them of their concern of the use of inappropriate or disrespectful behaviour. The senior colleague will then discuss and remind individuals of expected standards of behaviour and conduct needed to maintain a respectful working environment. The senior colleague can choose to do this during a staff meeting or in writing.

### RESPECTFUL WORKPLACE INFORMATION FORM

The Legislative Assembly of Alberta provides its employees with a form that is to be utilized and completed in the event that a situation involving harassment, bullying or other disrespectful behaviour has not been resolved using its Assembly's informal resolution process.

The form is designed to gather as much relevant information from the complainant prior to initiating the formal process. Below are a few details that complainants must provide:

- **Complainant contact information** (name, job title, contact details, supervisor contact details)
- **Respondent contact information** (name, job title, contact details, relationship with the complainant)
- **A detailed outline of the incident** (including the date, time, location, names of persons involved and present etc.)

## FORMAL PROCEDURE

A formal procedure should take place when a complaint is of a serious nature, for example sexual harassment, violence, bullying or any other situation that the legislature considers equally serious.

This option may also be available when the informal procedure has not been successful in resolving a complaint or if the complainant makes the decision to submit a formal complaint. At this stage, should an individual with management responsibilities receive a verbal complaint, it is highly advisable that they ensure that the complainant submits the complaint in writing. It is important to ensure that there is a record of all information that is relevant to the incident that took place.

Similar to the process for making an informal complaint, the witness or complainant should



be encouraged to submit a formal complaint in writing to their manager, supervisor or other individual that they are directly accountable to with supervisory responsibility, as far as is practical and appropriate to do so.

When creating or amending the formal complaint process, legislatures should ensure that the process is simple and effective. Having multiple layers to the process may deter and discourage many people from making official complaints, as the process of recounting and reliving their traumatic experience multiple times may be distressing for them. For this reason, parliaments are advised to consider producing brief guides that detail the steps to resolving a complaint of harassment:

Below is an example guide that has been created by the CPA Headquarters Secretariat with the purpose of providing detailed information on both the informal and formal complaint procedures. Parliaments are welcome to consider these steps should they feel that it is practical and appropriate.

Example guide to a harassment complaint procedure:

### **1. Conversation with the complainant**

The complainant should be invited to meet with their manager or equivalent person, who received the formal complaint, to discuss any concerns they may have. This meeting may also provide an opportunity for both parties to identify what support could be provided, should the complainant require it.

### **2. Conversation with the person responsible for facilitating the complaint proceeding**

The manager, or other individual who received the complaint, should at this point contact the individual(s) responsible for resolving matters relating to harassment in the workplace, to determine which appropriate steps should be taken. This could be a Human Resources Officer, or similar, where a decision should be made to either resolve the issue informally and end the informal complaint procedure, through mediation, or to conduct an investigation which will be the start of the formal procedure. All parties involved at this stage should be informed of the decision that is made.

### **3. Formal investigation (if relevant)**

Formal investigations could be delivered in a series of scheduled, separate meetings to collect information from the following persons:

- Complainant;
- Respondent;
- Witnesses (where applicable and relevant).

To ensure that all persons feels comfortable during this process, the policy should make provision for those undergoing or participating in investigations to be accompanied with a support person to provide emotional assistance and reassurance. Individuals that could be considered as support persons include:

- A colleague who is not involved in the investigation and does not have a direct interest in the investigation;
- A relative;
- A friend.

Parliaments should ensure that all interviews are led by a neutral person to avoid the possibility of bias in the line of questioning and final decision-making. Persons that could be considered neutral are:

- Parliamentary Commissioner of Standards or similar authority responsible for investigating parliamentarians when in breach of their parliamentary codes of conduct;
- Human Resources Specialist;
- External independent investigator.

### **4. Decision about the allegation of harassment**

After following the procedure for an investigation, the person who conducted the investigation is required to determine if the complaint is justifiable or unjustifiable, and make a recommendation on how the matter can be resolved. The decision should be based on the following:

- The findings from the conversations and meetings held during the investigation with the complainant, witness and respondent.
- What the legislature considers fair and reasonable, to both the complainant and respondent.
- If possible and where there may be precedent, what the legislature has done in similar cases prior.

##### **5. Deciding on the disciplinary outcome**

The outcomes of the investigation should reveal whether or not disciplinary action is needed to resolve the harassment complaint.

Persons leading the investigation should make sure that the respondent is aware of the outcome of the investigation in writing, through a formal letter, as soon as possible. Where appropriate and necessary, the complainant, witness and others involved in the complaint procedure such as managers or supervisors should also be informed of the decision.

Individuals conducting the formal investigation should make the decision to not proceed with a disciplinary action only if it has been found that there was no misconduct or breach of the anti-harassment policy.

For persons who are found in breach of the anti-harassment policy, a decision to enforce disciplinary actions should be made by persons leading the investigations, who will also be responsible for agreeing a fair and suitable level of discipline, based on the severity of the harassment that took place.

Parliaments can consider the following measures as possible disciplinary actions, listed in order of severity from least to most severe:

- A written warning;
- Mediation;
- Suspension;
- Demotion;
- Dismissal and the termination of employment.

The final decision must be shared with the respondent and appropriate persons, such as their manager, in writing and the complainant. This should also be done within a reasonable period of time.

### **WHAT TO CONSIDER WHEN DEVELOPING A PROCESS AND PROCEDURE FOR RESOLVING COMPLAINTS**

- In the event that a complainant is a visitor, who should they report to?
- Will the same procedure be used for complaints against a parliamentarian? If not, what will the process be and where can information about it be found?
- How long will the entire process take?
- Following the completion of each step of either procedure, when are people expected to hear back from those leading the investigation about the next step?
- How long will it take for a final decision to be made?
- Where will written complaints and relevant documents relating to it be stored? Who will be responsible for the management of the records?



## NATURAL JUSTICE

The CPA Recommended Benchmarks for Democratic Legislatures advises legislatures to incorporate principals of natural justice (unbiased and fair principles, rules or procedures used to make a formal judgement on a matter) into its rules and procedures which must be enforced in all situations where serious allegations are made against an individual during proceedings, either in the chamber or in its committees.

These specific Benchmarks in section 1.8 states that *'Members, or others, who are subject to serious charges of contempt of, and offences against, the Legislature are accorded natural justice during the whole process of consideration, and the charges are decided on the basis of all properly admissible evidence.'*

Additionally, it asserts that *'Punishments imposed by the Legislature on Members or other people (for example, fines, or suspensions from attending or participating in further sittings of the Legislature and its Committees) are proportionate and fair'.*

Parliaments are encouraged to implement these Benchmarks and consider applying it to situations both inside and outside of the legislature for all individuals when developing or implementing their own policy.

## CONFIDENTIALITY

This section of the policy should make mention of any rules or commitments, made by the parliament, that limit or restrict access to information, during the formal or informal complaints process, that may be deemed personal or sensitive.

Highlighting these commitments will increase confidence and trust in the procedure, which will encourage persons to not only speak out, but consider going through the process of formally reporting an incident should one occur in the future.

### AN EXAMPLE:

*'The Parliament is aware that the decision not to come forward for fear of public exposure can discourage people from reporting an incident.*

*The Parliament will therefore ensure that all conversations and sensitive information relating to a complaint will remain confidential. Additionally, the identity of the complainant and respondent will remain unrevealed. The Parliament will only disclose such information when necessary to ensure that the complaint can be accurately and fairly investigated through the procedure stated in the Policy.'*

## WHAT TO CONSIDER WHEN DEVELOPING A CONFIDENTIALITY STATEMENT?

- Does the parliament have any data protection laws that it must adhere to?
- Are there internal rules in place on data protection and data processing?
- What will happen to persons who break this commitment?

## TRANSPARENCY vs CONFIDENTIALITY

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It is important that parliaments understand the principals and significance of transparency and confidentiality.

Transparency is the disclosure of information to individuals such as parliamentarians, their staff, parliamentary staff, visitors, contractors, members of the public, the press etc. It calls for openness and honesty in both action and communication. Parliaments can ensure that the principal of transparency is upheld through the development to the implementation of the policy by publicly informing everyone of any decisions it makes concerning the policy itself via email, its website or other appropriate communication channels.

Parliaments, or persons such as the Speaker or Clerk must not withhold any information or prevent it from being shared as effective information sharing will help foster trust and establish a better relationship between parliament and its key stakeholders.

On the other hand, confidentiality is the act of containing information of a private or sensitive nature about the administration and function of parliament, its employees, parliamentarians, their staff, parliamentary staff, visitors and all other individuals it deals with that could be considered as a threat to either the parliament, those individuals, members of the public and more.

Confidentiality should not be broken unless it fails to respect an individual's autonomy. In many jurisdictions, depending on the severity of its breach of confidentiality, parliaments or individuals can face prosecution if an individual or entity decides to press charges for the implications experienced from the breach. Confidentiality should only be broken when permission has been given by an individual or if the information shared may present a threat to the individual or others.



# ROLE OF PARLIAMENT BEYOND POLICY

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Parliaments have an important role to play in communicating the policy with a broad and diverse audience.

Prior to officially announcing the implementation of the policy, it is recommended that parliaments take time to reflect on what additional activities can be done to promote the policy and ensure that it is understood by everyone.

Parliaments are encouraged to look into areas such as:

- Accessibility and awareness;
- Continued support for parliamentarians, their staff, and parliamentary staff;
- Monitoring and evaluation;
- Policy updates.



## ACCESSIBILITY AND AWARENESS

In order for their policy to be effective, parliaments must ensure that it informs everyone, including those working within its precinct and the wider public, that it is available for use. This can be done through the production of flyers and posters that can be displayed across offices and communal areas. Moreover, parliaments can engage with people virtually, by sending the policy via email or, providing a link to the document through the parliament's website.

Depending on the availability of resources, bilingual and multilingual parliaments may look to translate the policy into languages represented in its jurisdiction to further spread information about the policy.

Legislatures should also consider making the policy easily accessible for persons with disabilities by striving to ensure components such as the format, colours and typography are adapted to their specific requirements.

## SUPPORT

Parliaments should consider offering professional services to ensure that everyone has the required skillset needed to safely and successfully function at work, regardless of whether they have been exposed to harassment. Making provision for such services is important as it could help people learn essential skills needed to respond to harassment and manage its possible after-effects.

These services should either continue educating people on the issue of harassment or support people affected by harassment. Parliaments can contemplate facilitating the following:

- **Workshops and training**

Parliaments can organise regular workshops and training sessions with professionals, non-governmental organisations or charities who have experience in raising awareness of harassment in the workplace.

Parliaments may look to make such programmes and events mandatory for everyone and could consider incorporating it into activities such as workplace induction programmes or teambuilding activities.

- **Post-incident support**

Depending on available resources, parliaments may offer voluntary counselling or therapy sessions for persons who have witnessed or endured harassment.

This could allow individuals to gain sound, professional advice and techniques on how to successfully manage the possible after-effects of being involved in an incident of harassment, such as distress and insecurity. These sessions could support the rehabilitation of persons back into the working environment.

## MONITORING & EVALUATION

Monitoring and evaluation is crucial for gathering information on the implementation of the policy, assessing and tracking its success and making necessary updates. It is therefore, imperative that this activity is done at regular and pre-agreed intervals and administered with the highest level of respect and confidentiality.

However, as mentioned in the section on the purpose of the policy, parliaments must clearly determine what they want to accomplish in the long term in order to obtain accurate data. This could be the number of people relying on the policy, a change in workplace culture or the overall reduction of complaints against harassment.

Parliaments can undertake this activity by asking all relevant stakeholders to anonymously complete surveys and provide feedback on the entire policy.

## UPDATES

Parliaments must ensure that they remain proactive and update the policy to reflect any approved changes. Where possible, parliaments should endeavour to identify when and how regularly the policy should be updated. A number of parliaments across the Commonwealth have committed to updating their policy following a parliamentary election or at the start of a new parliament.



## ACTION POINTS FOR PARLIAMENTS AND LEGISLATURES

### 1. Lead by example

Parliaments should communicate their own successes with regard to adopting an anti-harassment policy and tackling issues relating to harassment in the workplace. Openly sharing achievements and best practices provides parliaments with the invaluable opportunity to learn from each other and it may encourage other institutions and organisations in the Commonwealth, and beyond, to adopt and introduce similar policies.

### 2. Endorse reports

Many parliaments have relationships with, and access to: nongovernmental organisations; universities; government departments and charities who are undertaking pioneering work and research on harassment. Parliaments can use the data and knowledge shared by these bodies to add greater legitimacy to the purpose of the policy.

### 3. Communicate with stakeholders

Legislatures are encouraged to establish and strengthen two-way communication between those responsible for developing the policy and persons who are required to uphold it, but also during its implementation and ongoing evaluation. Having effective communication can help to build trust and create healthy power dynamics that encourage informative and efficient dialogue, which is vital if the parliament wants the policy to be successful.

### 4. Conduct research

Research highlights that harassment in the workplace is much more commonly experienced by women than men. Unfortunately, harassment in its various forms against men and non-binary individuals is an often-neglected area of research.<sup>10</sup> This alone reveals that not all available research is truly reflective of the experiences in every parliament. Therefore, maintaining an accurate record of data is of crucial importance in understanding the different experiences and requirements of the individuals represented. This could be done by developing surveys or where possible and appropriate host focus group that target men and other groups whose experiences are usually not reflected in research.

### 5. Work with experts

Parliaments are required to have adequate knowledge on the effect and prevention of harassment in the workplace, however understanding this may be complex. Experts have the ability to simplify and easily communicate the key points and actions required to ensure that parliaments strive to be harassment-free. Additionally, experts can be a great source of advice and guidance when conducting reviews of the policy and meeting with stakeholders, as they will be able to provide factual, relevant and unbiased information.

### 6. Remain focused on the goal

Whilst it is very easy for parliaments to focus on a specific area of concern, such as sexual harassment, parliaments are encouraged to consider addressing and eradicating other forms of harassment that are often overlooked.

15. [https://apps.who.int/iris/bitstream/handle/10665/77434/WHO\\_RHR\\_12.37\\_eng.pdf;jsessionid=8EE5B69CA7B6C6B5692532E08E73CE9C?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf;jsessionid=8EE5B69CA7B6C6B5692532E08E73CE9C?sequence=1) (page 5)







A series of horizontal blue lines for writing notes, spanning the width of the page.







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