

Bullying and Harassment in the Public Sector in Australia: Practical Ways to Lift Respect in Public Service Workplaces

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The problem of bullying and harassment within government has been brought into sharp relief in the past few years by high-profile cases of sexual harassment and gender violence within Australian Parliaments and courts. This debate in turn raises broader questions about harassment and bullying in general across the government sector. This paper looks at evidence about bullying and harassment in the Commonwealth, State and Territory public services and suggests some practical ways to address it. The Commonwealth features extensively in this paper, largely because significant new data is now publicly available for that jurisdiction. Many of the reflections apply to both Commonwealth and State and Territory jurisdictions.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker that creates a risk to health and safety. It does not include reasonable management action, like performance management carried out in a reasonable manner.²

Staff surveys show that bullying and harassment are significantly more widespread than codes of conduct or workers' compensation claims suggest. In the Australian Public Service, for example, at most only one public servant in every 1,500 has a code of conduct finding against them for bullying or harassment, but almost one public servant in five says that they have been (or are unsure they have been) bullied or harassed in the past year. This pattern is repeated across many States and Territories. There is variation in this average, depending on the jurisdiction and department/agency. Staff who identify as disabled, Aboriginal or Torres Strait Islander, LGBTIQ+ or work in regional locations report high rates of bullying and harassment.

The vast majority of public servants behave civilly and respectfully to their colleagues. But rates of bullying and harassment are still too high and are not acceptable. Bullying and harassment not only damage the mental and physical health of the people involved but they weaken institutions, undermine productivity and innovation, and poison workplace culture. It affects all workplaces, not just those in the public sector: Porath and Pearson (2010), for example, reflect on US corporate experience and conclude that incivility in the workplace is a serious drag on corporate performance.³

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² As defined by s789FD of the *Fair Work Act 2009*. See <https://www.safeworkaustralia.gov.au/bullying>, <https://www.apsc.gov.au/publication/aps-values-and-code-conduct-practice/section-3-relationships-workplace>, and <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace> for specific examples.

³ Porath, C. L., & Pearson, C. M. (2010). The cost of bad behavior. *Organizational Dynamics*, 39(1), 64–71 – see <https://www.sciencedirect.com/science/article/abs/pii/S0090261609000722?via%3Dihub>. To quote the first paragraph: “While managers are looking everywhere to cut costs and maximize productivity, chances are they are missing a potentially devastating expense: the cost of incivility. As employees exchange seemingly inconsequential inconsiderate words and deeds, productivity plummets and norms are shredded. If employees are behaving badly toward one another, it means that individuals and teams are losing time, effort, energy, focus, creativity, loyalty and commitment. Far from a minor inconvenience, workplace incivility is one of today’s most substantial economic drains on American business. What’s the bottom line? Companies we’ve

Failure to address bullying impedes Australian public services from delivering on the expectations of the government and the public more generally. Addressing bullying and harassment is important not only in normal times but is particularly so with the heightened stress that public servants and the community are experiencing with COVID-19. Being able to provide a respectful workplace also really matters to being able to recruit and retain quality candidates in the public service.

Public service commissions have worked to reduce bullying and harassment but more can be done. The paper makes some organisational suggestions to reduce bullying, including

- clear and practical guidance on what constitutes constructive and positive engagement with staff and colleagues, supported by practical training of managers about leadership, what respectful behaviour entails, and the legal responsibilities of managers and workers under Workplace Health and Safety legislation – this could be a theme in the work of public service-oriented bodies like the Institute of Public Administration Australia,
- full 360-degree performance assessment of all managers, reported to the jurisdiction’s Public Service Commission and the general outcomes made public,
- explicit separate rating in every public servant’s performance assessment of the outcomes they achieved and *how* those outcomes were achieved,
- prohibiting the promotion of people who perform poorly in how they achieve outcomes,
- encouraging staff who have experienced poor behaviour to use confidential and independent support and counselling, regardless of whether they make a complaint,
- inquiries by Public Service Commissions into departments/agencies with consistently or materially above average rates of harassment and bullying,
- using an independent person or body to take informal and formal complaints about harassment and bullying, outside the normal institutional hierarchy, and encourage staff to use that facility, as a complement to the formal processes of Safe Work Australia, Comcare and the Australian Human Rights Commission, and
- openly sharing insight between jurisdictions about what works or otherwise in reducing harassment and bullying in public administration, and introducing greater consistency in reporting across jurisdictions to improve comparability in performance.

These steps should enable jurisdictions to commit to at least halve their measure of harassment and bullying within five years.

While this paper concentrates on respect and civility within public services, it observes that respectful interaction between members of Parliament (and their staff) and public servants may be enhanced by extending the counselling, reporting and resolution processes adopted by the Commonwealth Parliament in relation to serious incidents of harassment in the parliamentary workplace to public servants.

worked with calculate the tab for incivility in the millions. In fact, just one habitually offensive employee positioned in the top of your organization can suck out millions in lost employees, lost customers and lost productivity. The effects are real and the drag on your company’s profits and productivity are nasty.”

Data on bullying and harassment

Each of the nine jurisdictions in the Australian federation collects and publishes statistics on harassment and bullying.

Consider, first, the statistics published by the Australian Public Service Commission for the Australian Public Service, in the APSC State of the Service Report 2020-21.⁴

In 2020-21, 571 code-of-conduct investigations into APS employees were finalised, 127 of which related to alleged breach of the requirement of public servants to respect and not harass others (s13(3) of the Public Service Act). This includes the treatment of clients and the general public, and it can include discourteous or discriminatory behaviour. In 2020-21, 99 officers were found to have breached that requirement, which represents 0.06 per cent of the total 153,945 APS employees. Comcare⁵ and Safe Work Australia⁶ also publish data on workplace harassment and bullying.

Surveys of employees in APS agencies have been conducted by the APSC since 2012. Survey results had been held very tightly within agencies, and used to be given to heads of agencies by hand in a sealed brown envelope. In a significant move, Secretaries Board agreed that that from 2019 they could be released publicly,⁷ and many agencies have voluntarily uploaded their results on their websites with the URLs of participating agencies collated and listed on the APSC website. In 2021, 78 out of 101 APS agencies made their staff survey results publicly available, up from 70 agencies in 2020.⁸

An agency's staff census provides deep insight into the health of an organisation. Among other matters, it asks employees directly about their experience of bullying and harassment. In particular, the APSC asks APS employees whether they have, are unsure they have, or they have not experienced bullying or harassment over the past year. There are three types of behaviour that are listed in the survey as examples of bullying or harassment:

- verbal abuse, including offensive language, derogatory remarks, shouting or screaming,

⁴ See <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/research-analysis-and-publications/state-service/state-service-report-2020-21>.

⁵ Comcare reports that in 2019-20, there were 121 workers' compensation claims made in relation to work-related harassment or workplace bullying, out of a total 397,500 workers covered by the *Safety, Rehabilitation and Compensation Act 1988* or the *Work Health and Safety Act 2011*: see <https://www.comcare.gov.au/about/forms-publications/documents/publications/corporate-publications/comcare-scheme-workers-compensation-statistics-19-20.pdf>.

⁶ Safe Work Australia reports indicators from accepted workers' compensation claims for Australian workplaces. It identifies a work-related harassment or workplace bullying sub-category of psychosocial health and safety indicators, defined as "repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health or safety" (*Fair Work Act 2009*, s789FD(1)). It reports a frequency rate of 14.9 claims per 100 million hours worked in Australia in 2017-18, up from 6.6 in 2002-03 and below a peak of 16.4 in 2011-12.

⁷ There was an aggregated report on harassment and bullying in APS workplaces in 2016: see <https://www.apsc.gov.au/state-service/state-service-2015-16-blogposts/bullying-and-harassment-aps>.

⁸ See <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/aps-employee-census-2021>. Not all APS agencies publicly report the employee census results but more have done so. In 2020, 70 departments and agencies published results. In 2021, this increased to 78 agencies, out of a possible 101 APS agencies invited by the APSC to participate. Results for 2021 were not accessible for five agencies that reported in 2020. In addition, two non-APS agencies (the Civil Aviation and Safety Agency and the Parliamentary Budget Office) had their 2021 staff census results included on the APSC website. Some of the APS agencies that did not publish on the APSC website in 2020 had relatively poor results that year.

- interference with work tasks, including withholding needed information, undermining or sabotage,
- inappropriate and unfair application of work policies or rules, like performance management, access to leave, access to learning and development.

The 2020-21 State of the Service Report summarises the responses across the APS and provides significantly more information than in previous years. It states (page 33) that the “proportion of respondents to the APS Employee Census experiencing harassment or bullying has decreased year-on-year, from 17.2% in 2015 to 11.7% in 2021.” The most common type of bullying is verbal (44.8%), followed by interference in the job (40.6%) and unfair application of rules (35.7%). The report goes on to say that “more than half (59%) of 2021 APS Employee Census respondents who had perceived harassment or bullying in their workplace over the previous 12 months did not report their experiences. The most common reason cited by these employees was that they did not think any action would be taken (53%). Other common reasons included concerns around upsetting relationships in the workplace (45%) and that it might affect their career (43%).”

The tone of the 2020-21 report is different from previous years. Drawing on the APS census results, the APSC says that “[t]here is no doubt that more work is also required to improve the reporting culture around harassment and bullying” and that “[f]urther work is needed to create a culture where those targeted feel comfortable to report and confident that swift action will be taken; a culture where bystanders also call out inappropriate behaviours so they can be addressed.” This is a big step forward compared to the comment in its 2019-20 Report (p67) about the number of total code-of-conduct allegations, that “[w]hile the number is higher than in recent years, it remains proportionately low to the size of the workforce and demonstrates that existing reporting and investigation processes are working.” As part of this reform, the APSC has released a new [APS Gender Equality Strategy](#).

The changes to the 2020-21 State of the Service Report are a big and welcome step forward. It is a credit to public service leaders that information on individual agencies’ staff census is now publicly available and that many, but not all, agencies are willing to be open to greater scrutiny. The APS leadership, like in States and Territories, recognises that transparency itself creates a powerful incentive for change.

Yet there are two ways in which more information could be provided.

First, the APSC only provides the proportion of public servants who say that they have experienced bullying or harassment and not the proportion of respondents who say they are unsure. This latter number is generally quite high, about 6-7 per cent respondents (based on the numbers from the individual reporting agencies listed in the Appendix). Add that to the 11.7 per cent who say they have experienced bullying in the past year, and the story is that almost 1 in 5 public servants say that they have, or may have, experienced bullying in the workplace. This is a serious number. Putting those percentages into numbers of people, that is about twenty-eight thousand people in a workforce of 153,945.

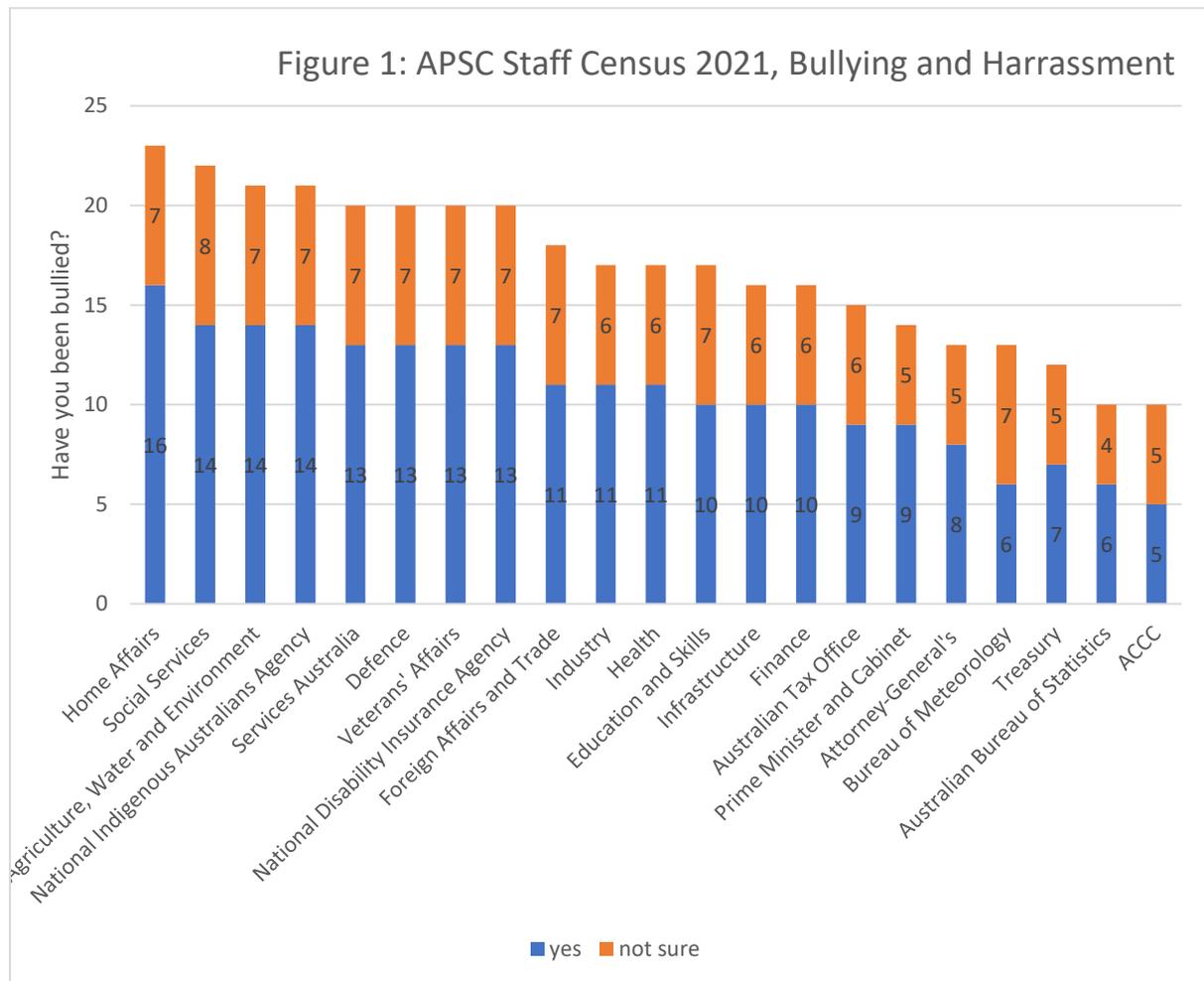
Second, the APSC provides the URLs for each reporting agency on its website but it does not provide a summary of results by agency that makes it easy to compare performance, let alone provide analysis about variations in performance. This matters because there is substantial variation between agencies in their staff’s experience of workplace bullying and harassment.

Appendix 1 collates the results for 83 reporting Commonwealth departments and agencies in 2019-20 and 2020-21, with about three-quarters of their staff participating. Figure 1 summarises

these census results on harassment and bullying for the 14 portfolio departments and the largest APS agencies – the Australian Tax Office and Services Australia (extra large agencies with over 10,000 employees), as well as the Australian Bureau of Statistics, Australian Competition and Consumer Commission, Bureau of Meteorology, National Disability Insurance Agency and National Indigenous Australians Agency (large agencies with between 1,001 and 10,000 employees).

The vast majority of public servants experience a respectful workplace.

The reports show, however, a very different picture compared to that indicated by data on breaches of the code of conduct. 11.7 per cent of respondents report that they have experienced harassment or bullying in the past year. A further 6.1 per cent (a simple average of the reporting agencies) say that they are unsure they have experienced bullying or harassment.



Source: Australian Public Service Commission <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/aps-employee-census-2021> accessed 8 December 2021

While broadly 1 in 1,500 Commonwealth public servants a year are found to breach code-of-conduct respect and bullying, more than 1 in 10 members of the APS say that they have been harassed or bullied in the past year. It is reasonable to say that almost 1 in 5 Commonwealth public servants say that they have been, or are unsure whether they have been, bullied or harassed in the past year. Overall, there is a disconnect in the numbers between ‘proven perpetrators’, on the one hand, and ‘perceived targets’ of abuse, on the other. In general, staff engagement with an agency is highly correlated with low rates of harassment and bullying.

Looking at Appendix 1, in half a dozen agencies, the number who say they have (or maybe have) been bullied or harassed rises to about 1 in 3 members of staff. In some of the biggest Commonwealth agencies – Home Affairs, Social Services and Agriculture, Water and Environment – more than 1 in 5 public servants say that they have, or maybe have, experienced bullying. Central agencies and the Attorney General’s Department stand at the lower end, with slightly more than 1 in 10 experiencing harassment or bullying.

According to the census results, the main type of harassment and bullying is overwhelmingly verbal – offensive language, derogatory remarks, shouting and screaming – followed by undue interference in how work is done. All of the official material on harassment and bullying is clear that performance management itself does not constitute harassment or bullying, so long as it is conducted reasonably. It is worth noting that cases of inappropriate and unfair application of work policies or rules, which includes performance assessment, is consistently and significantly less frequent than verbal abuse (the most common complaint) and interference with work tasks (the second most common complaint). This suggests that high rates of harassment or bullying do not simply reflect staff dissatisfaction with their performance assessment.

As discussed further below, it is not straightforward to explain variation between agencies because incidences of harassment and bullying vary with the composition of workforces – features like the ethnic, sexuality, gender and other diversity of staff and city or regional location – as well as the strength of a respect culture, the nature of leadership and historical experience in an organisation.

Data from the States and Territories support the view that the problem is common – and indeed widespread – across public services. Every State and Territory reports on bullying within their public services and has taken steps to address it. Consider some examples from selected jurisdictions:

- The NSW Public Sector reports in its People Matter Employee Survey reports that 13.9 per cent of employees say they directly experienced bullying in 2020 (down from 20 per cent in 2016) and 21.7 per cent say they witnessed bullying (down from 35 per cent in 2016), and this bullying is higher for people with a disability, those who are LGBTIQ+ or are in frontline areas, and even more so in regional areas. The main categories of people doing the bullying are senior managers (27.7 per cent), immediate managers (30.9 per cent) and fellow workers (34.2 per cent). Only 20.4 per cent of people report the bullying and, of those, only 20.3 per cent are satisfied with the outcome.
- In Victoria, 14 per cent of staff who completed the People Matter survey say that they experienced bullying in 2019, down from 20.1 per cent in 2016. Yet in the same survey, 30 per cent of Victorian Public Service staff with a disability reported harassment or bullying, as did 24 per cent of Aboriginal staff.
- The NT reports that 4 of the 84 formal grievances in 2019-20 related to bullying. In the NT People Matter survey 2021, 17 per cent of respondents disagree or disagree strongly with the statement that their organisation does not tolerate bullying, 28 per cent say that they have experienced bullying in the past year (and 9 per cent prefer not to say), and 30 per cent say they have witnessed bullying.
- In Tasmania’s 2020 State Service Employee Survey, 20 per cent of respondents disagree or strongly disagree that bullying is not tolerated in their organisation. Of the 25 per cent who say that they have experienced bullying in the past 12 months, only 39 per cent reported it. Of the remaining 61 per cent who do not report the bullying they experience, the three main reasons are that they think no action will be taken, it will upset their workplace, or it will hurt their career. The bullying includes intimidation (54 per cent), exclusion or isolation (46

per cent), verbal abuse (39 per cent) and psychological harm (39 per cent). In terms of who does the bullying, 25 per cent are senior managers, 30 per cent are immediate managers and 45 per cent are fellow workers.

The most recent APSC census data suggest that there are more behavioural problems and a lack of civility within the APS than the code of conduct data suggests, and that the experience of the APS suggested by census results is consistent with the experience more broadly across States and Territories.

To summarise the key points, the State and Territory data show that

- targeted interventions to reduce bullying do seem to work, as the experience of NSW and Victoria noted above in reducing reports of harassment may attest, even if it remains a widespread problem. It is worth exploring in detail why reported rates of bullying have declined and what has worked in these cases, including how greater gender and other diversity can be a tool to talk about and build respect. In NSW, for example, the focus has been on bystander training interventions, targeting responses to the most affected cohorts, highlighting the role of senior leadership, integrating WHS and HR functions to ensure a person-centred integrated process to handle complaints, and using Safe Work Australia's psychosocial work tools.⁹ The Northern Territory has emphasised the need for leaders to call out and explicitly deal with poor behaviour and reward good behaviour. The ACT has emphasised the need for senior leaders to model good behaviour,
- harassment and bullying occur across the hierarchy, including senior managers, immediate managers and peers. In thinking about solutions, this suggests that interventions need to apply to all levels in the hierarchy, including the most senior leaders, and
- there is very significant under-reporting of what people regard as harassment and bullying. As suggested by some State surveys and the APSC State of the Service, this seems to be because of concerns that things won't change, that the system protects people further up in the hierarchy, or that career prospects will be damaged. In thinking about solutions, this suggests that reporting of bullying and interventions need to apply across the hierarchy and need to be – and be seen to be – independent of an agency's management.

The staff survey results certainly align with stories across jurisdictions about the yelling or bullying boss or colleague in the workplace. Anecdotally, many public services in the federation have their own well-known, notorious and serial bullies in the service. Why do they persist? Perhaps because they are seen as do-ers, they have power and connections, or their supervisors do not really know about their behaviour because it is hidden from their view. It merits saying that these people are typically destructive and, far from supporting ministers and the government, they undermine the ability to sustain delivery and amplify risks for ministers. Addressing bullying and harassment is needed to be able to deliver the priorities of government.

It is worth observing that the reporting methodology and content varies significantly between jurisdictions, making it harder to directly compare standards and outcomes between jurisdictions. Each jurisdiction reports through its own institutions – typically a public service commission – and does so according to its own legal and reporting requirements. There may be scope to develop a common definition of harassment and bullying, standardise language to better understand what is happening and where, and to broaden the scope of inquiry where that is possible.

⁹ See <https://www.psc.nsw.gov.au/culture-and-inclusion/workplace-culture/positive-and-productive-workplaces> and <https://www.peopleatwork.gov.au/webcopy/peopleatwork>.

It is also worth repeating what a great innovation it has been for the APSC to publish staff census results by Commonwealth departments and agencies. There is scope for the data to be compiled and more deeply analysed, including the impact of size or activity (such as differences between policy, program or service delivery bodies), why some APS entities do not report, whether non-APS Commonwealth (PGPA Act) agencies should also report staff surveys of harassment and bullying to the APSC (even on a voluntary basis), and why results differ so widely across entities.

If we accept that there is a problem, what can and should be done about this?

There are five practical things to do.

First, **acknowledge that there is a problem with not enough respectful interaction** in public sector workplaces.

The fact is that most, if not all, jurisdictions have a problem with harassment and bullying within their ranks. It cannot be acceptable that between 10 and 30 per cent of public servants say that they have experienced bullying or harassment over the past year. The data uniformly suggest it is widespread, and experienced from senior managers, immediate supervisors and colleagues. It ranges most commonly from offensive language and yelling, to interference in how work is done (like not giving access to material or undermining work), and to the inappropriate application of work rules (like professional development or performance reviews). Some of this is subjective and depends on perceptions but that does not mean that it is not true. It is crucial to observe that the data suggest that reporting is relatively low because of concerns that systems favour senior people and insiders, and that reporting will hurt the complainant.

The extent of harassment and bullying suggests that respectful behaviour should be the focus of a targeted workplace campaign in jurisdictions.

As a step in understanding the sources of harassment and bullying and acknowledging that the problem is still too big, it would be constructive if public service commissions did in-depth analyses on departments and agencies that have consistently above-average levels of harassment and bullying, and provided that general analysis and possible remedial action in a public report.

Public service commissions could be explicit that they are committed to at least halve the extent of bullying and harassment in their public sector workplaces over the next five years – the steps outlined below would give people confidence that such a commitment is serious and achievable.

Working closely with departments and agencies, public service commissions could ensure that easy-to-use confidential support, advice and counselling services are available to public servants who experience workplace bullying, regardless of whether a formal complaint is made.

Second, **identify and celebrate good management and civility.**

If we want respect to be one of the key elements of how public servants interact with each other, with Ministers and ministerial advisors, and with the public in general, it is essential to be explicit that that is indeed the case, to be clear about what constitutes respectful behaviour and civility, and to celebrate and reward good behaviour.

It is a truism to say that people learn their behaviours from observing and interacting with others.

Poor workplace behaviour can occur for various reasons. Managers might think they need to know every detail themselves, and get angry if they don't. Managers and staff may operate with unnecessarily tight time frames or unrealistic timeframes, creating a pressure cooker workplace

exacerbated by the 24/7 cycle and insufficient downtime. Managers and staff may be out of their depth, with insufficient management induction and training. Managers may expect things to be done as an order, without question. Many people make mistakes in interpersonal interaction but if these behaviours are validated, approved or ignored, they can spread and become systemic. They are not effective ways of social or workplace interaction, and they weaken capability and undermine long-term institutional performance and productivity. Respecting people does not mean avoiding direct feedback and criticism, open and genuine performance assessment, having difficult conversations and making hard decisions. But it does mean doing those things in a constructive, open and respectful manner. How to ensure good workplace behaviour does not feature strongly in the professional development and training of managers in some public services.

In the Commonwealth, the APSC work level standards, the APS values and the SES characteristics are clear about the importance of developing other people's capability, guidance and mentoring, learning by doing, and support. But it is not practical. People need to know what does and does not constitute respectful behaviour and a targeted campaign could address this explicitly. It could celebrate good behaviour. In the APS, for example, newly promoted managers often do not get any practical training on management and leadership.

There are new opportunities in each jurisdiction to be explicit about what constitutes good behaviour and management. The codes being developed by Safe Work Australia and the State and Territory Safe Work bodies to support the work health and safety laws and regulations are a real opportunity to address harassment and bullying in a practical and tangible way. The APSC Review of Hierarchy and Classifications is a great opportunity to reinforce how a good manager and leader ensures respect in the workplace – supported by explicit professional development for staff promoted at each level and training updates for existing managers across the service by the newly established APS Academy. Both of these mechanisms can also reinforce the idea that performance management is *not* a ground for an accusation of bullying or harassment.

Bodies like IPAA, both nationally and at State and Territory Divisions, can help in many ways. It is open to IPAA, for example, to introduce a new criterion in its selection of Fellows that explores how the candidate fostered respect and civility in the workplace. IPAA could focus on respect and behaviour change as one theme in its various events and conferences from 2022. IPAA could institute a new respectful workplaces award – in States and Territories or nationally – based on nominations of workplaces that demonstrate and show case respect in high-achieving workplaces. IPAA Divisions could use public forums where a Minister and Secretary discuss the outcomes and respectful behaviour they expect from staff, as IPAA NSW has started with its 'Daily Briefing'.¹⁰ And, finally, those IPAA divisions that provide professional development programs could develop workplace training modules on 'civility and respect in practice.'

Third, **strengthen the incentives for public servants to act respectfully** through some specific institutional and organisational changes. People respond to incentives so strengthening incentives for good behaviour may shift behaviour and improve outcomes. Four possible changes are:

- 360 performance assessment at all levels, to ensure that information from direct reports and peers (including from other agencies and key stakeholders) about the performance of an officer is collected as part of the performance assessment of that officer. As officers become more senior, this information should be collected and collated by an independent or outside

¹⁰ See https://www.nsw.ipaa.org.au/Shared_Content/Events/Event_Display.aspx?EventKey=20210421E1.

person, to ensure that there is not selective screening information by more senior officers. This should increase trust that information is used, not hidden.

- Performance reviews are formally separated into two components – the outcomes achieved by the officer (“the what”) and the way in which those outcomes were achieved (“the how”) – with the overall score the average of the two components. In this way, there is a clear incentive to achieve and to do so in a proper way. The public service commission should issue clear guidelines about criteria for performance at each level, including expectations about people leadership.
- Public service values apply to public servants but there are some public-sector employees whose employment is not subject to the public service act in their jurisdiction. In the case of the Commonwealth, this is the case for statutory heads of agencies and some security and other agencies. It is worth exploring ways to ensure that respect is an important value and that performance assessment should look where it can at outcomes and how these outcomes are achieved matter, and that data for these agencies also be publicly available.

There is, for example, no reason why the performance of agency heads should not also use 270 degree information, formally separate the achievement of outcomes from *how* they are achieved, involve independent assessment, be managed by the APS Commissioner, be provided directly to the Prime Minister, and the general results be reported by the APS Commissioner to the Parliament. This would be a powerful signal that respectful behaviour matters throughout the whole public service and that leaders are not exempt.

- Information should be collected and aggregate information published by the public service commission in each jurisdiction. Transparency is a big driver of behaviour change.

Fourth, **follow through on performance with rewards and sanctions**. People who systematically fail to show respect – evident by bullying and harassment – should not be promoted and should face formal procedures including sanctions for poor behaviour, reduction of salary, demotion, and termination. More specifically, employment consequences of poor behaviour should be reported by public service commissions, and independent complaints processes and follow up should be instituted and reported on publicly.¹¹ When the public service sees that people who behave badly do not get promoted, are demoted, or lose their job, behaviour will change.

Fifth, **lift transparency and consistency in reporting** in all jurisdictions.

The APSC has the opportunity with the data that is now publicly available, to make access to that data and analysis easier in future years, and offer insight into what the data tell us about the public service and particular institutions. It could be a special feature of reporting over coming years.

The definition of harassment and bullying and the content and framing of staff surveys can vary across jurisdictions. This is not unexpected since the reporting body (typically the jurisdiction’s public service commission) varies by jurisdiction, each jurisdiction is sovereign, and the reporting body operates under its own legislation and reports to its own parliament. But this means that it is harder for jurisdictions to learn from each other and benchmark themselves. The various public service commissions do regularly examine issues of bullying and harassment but this has low public visibility, and they may wish to explore how they could work together to lift information and standardise

¹¹ The Commonwealth Merit Protection Commissioner does report some anonymised cases of harassment – see <https://www.mpc.gov.au/case-summaries/sanction-reduction-classification-harassment-supervisee> – and this could be extended and given public prominence.

reporting and make data available where possible in order to influence behaviour. This does not compromise independence and sovereignty.

Civility between the Public Service, the Public and the Parliament

This paper has concentrated on harassment and bullying within public services in Australia. This is because respect and civility within a public service is within the direct control of public servants and the heads of public administration. The suggestions in this paper do not require change to any law in any jurisdiction. Public services do have two other groups with whom they interact a lot. One is the public. The other is the Parliament, especially Ministers and advisors in ministerial offices.

It would be helpful if surveys explored public servants' experience with civility and respect with the public and the parliament. Some States and Territories do include such questions, as did the 2016 APSC survey. COVID-19 has made the public more aware of the importance of showing respect to public servants, and that agencies can take practical steps to minimise customer aggression towards public servants.

The relationship between public servants, on the one hand, and parliamentarians, Ministers and ministerial and parliamentary advisors, on the other, is extensive but typically occurs behind closed doors. In most instances, that interaction is professional and respectful. But that is not always the case, and harassment and bullying of public servants can be a difficult and sensitive issue to address and resolve because there is a big difference in power. It would be helpful to public servants if there were clear processes by which they could seek independent advice and confidential guidance (focused on *their* health and welfare), raise and then seek resolution of claims of harassment and bullying that provide fairness to all parties and respect the special authority of the Parliament and of Ministers.

'The Review of the Parliamentary Workplace: Responding to Serious Incidents'¹² in the Commonwealth Parliament, led by Stephanie Foster PSM, provides a great template. The review defines a serious incident "as an incident or pattern of behaviour that causes serious harm to someone and includes assault, sexual assault, sexual harassment and serious and systemic bullying or harassment." The review focuses on parliamentarians and staff employed in the offices of members of parliament (MoPS Act staffers). Its counselling, reporting and resolution mechanisms are fit-for-purpose for the Parliament, and could straightforwardly be extended to public servants who interact with members of parliament (including Ministers) and their staff. Such a decision is a matter for the Government and the Parliament. A natural place to start is departmental liaison officers (DLOs) who are public servants who work in ministerial offices, but it should be available to all public servants who interact with the Parliament as part of their job.

Conclusion

All public services in the Australian federation say that respect for people in the workplace is one of their core values. To their credit, jurisdictions have become more open and accountable for that aspiration and are actively working to improve respect. Yet as staff surveys consistently show, respectful workplace culture is absent in too many public service workplaces.

Something needs to change.

¹² See <https://www.pmc.gov.au/sites/default/files/publications/review-parliamentary-workplace-responding-serious-incidents-final.pdf>.

Being clear about what respect means, acknowledging the deficit in respect, increasing transparency, explicitly changing incentives for performance, pay and promotion, ensuring that people who consistently fail to show respect in the workplace leave the public service, and providing support for staff who experience bullying, are all steps that could be tried to remedy the problem. These are all things that public services can do to address a problem for which they are responsible for and for which they have the wherewithal to correct. With these tools in hand, public service commissions across the nation could state their commitment to at least halve bullying and harassment rates in their workplaces within the next five years.

Addressing harassment and bullying would, in turn, improve the quality of life of those affected, lift public-sector productivity, and ensure the public service is better able to deliver for the government and community.

Appendix 1: APSC Staff Census on Bullying and Harassment, 2021 and 2020

Agency	2021			2020		
	Yes (%)	No (%)	Unsure (%)	Yes (%)	No (%)	Unsure (%)
Administrative Appeals Tribunal	12	82	6	12	83	5
Attorney-General's Department	8	86	5	7	87	6
Australian Building and Construction Commission	8	86	6	8	84	8
Australian Bureau of Statistics	6	90	4	6	89	5
Australian Charities and Not for profit Commission	8	88	4	9	87	5
Australian Commission for Law Enforcement Integrity	13	79	9	15	71	15
Australian Commission on Safety and Quality in Health Care	11	75	14	10	82	8
Australian Communications and Media Authority	12	85	3	8	88	4
Australian Competition and Consumer Commission	5	90	5	5	90	5
Australian Criminal Intelligence Commission	9	84	7	8	86	6
Australian Digital Health Agency	14	78	8	12	82	6
Australian Electoral Commission	13	80	7	14	79	6
Australian Financial Security Authority	9	85	6	7	85	7
Australian Fisheries Management Authority	18	75	7	12	78	10
Australian Institute of Health and Welfare	7	90	3	8	86	6
Australian National Audit Office	5	90	5	5	88	6
Australian Office of Financial Management	3	87	10	4	89	7
Australian Pesticides and Veterinary Medicines Authority	14	81	5	9	83	8
Australian Public Service Commission	13	81	7	11	80	10
Australian Research Council	12	84	4	10	84	6
Australian Skills Quality Authority	15	78	6	14	81	5
Australian Taxation Office	9	86	6	10	83	7
Australian Trade and Investment Commission	7	85	8	7	85	8
Australian Transaction Reports and Analysis Centre	7	87	7	6	88	6
Australian Transport Safety Bureau	12	81	8	6	87	7
Australian Radiation Protection and Nuclear Safety Agency	12	83	5	9	86	5
Bureau of Meteorology	6	87	7	7	84	9
Clean Energy Regulator	13	83	5	13	77	9
Comcare	6	86	7	9	84	7
Commonwealth Director of Public Prosecutions	9	85	6	8	89	4
Commonwealth Ombudsman	8	89	3	12	80	8
Defence Housing Australia	11	83	6	10	82	7
Department of Agriculture, Water and the Environment	14	79	7	13	80	7
Department of Defence	13	81	7	12	81	7
Department of Education, Skills and Employment	10	82	7	11	82	7
Department of Finance	10	84	6	8	84	8
Department of Foreign Affairs and Trade	11	83	7	10	82	8
Department of Health	11	83	6	12	81	7
Department of Home Affairs	16	77	7	15	78	8
Department of Infrastructure, Transport, Regional Development and Communications	10	83	6	12	81	6
Department of Social Services	14	78	8	12	79	9
Department of Industry, Science, Energy and Resources	11	83	6	10	83	7
Department of Veterans Affairs	13	81	7	12	81	8
Digital Transformation Agency	11	80	8	13	81	6
Fair Work Commission	7	90	3	5	91	4
Fair Work Ombudsman	4	92	4	6	91	3
Federal Court of Australia	11	83	6	13	78	9
Food Standards Australia New Zealand	10	88	2	14	83	3
Future Fund Management Agency	5	92	3	2	91	4
Geoscience Australia	10	81	9	9	84	6
Great Barrier Reef Marine Park Authority	19	75	6	22	71	7
Independent Parliamentary Expenses Authority	14	82	5	11	81	9
IP Australia	9	85	6	9	85	7
Inspector of Intelligence and Security	3	97	0	0	97	0
Murray–Darling Basin Authority	7	89	4	5	90	5
Museum of Australian Democracy	3	93	3	4	90	6

National Archives of Australia	15	74	11	11	81	8
National Blood Authority	14	71	14	16	80	4
National Capital Authority	20	74	6	15	82	3
National Disability Insurance Agency	13	80	7	13	80	7
National Film and Sound Archive of Australia	*	*	*	15	79	6
National Health Funding Body	0	95	5	9	73	18
National Health and Medical Research Commission	7	90	3	7	87	6
National Indigenous Australians Agency	14	78	7	15	76	9
National Library of Australia	9	80	10	13	78	9
National Museum of Australia	18	71	11	17	73	10
National Offshore Petroleum Safety and Environmental Management Authority	18	77	5	17	77	6
National Portrait Gallery of Australia	*	*	*	8	74	18
NDIS Quality and Safeguards Commission	21	72	8	18	74	9
Office of Parliamentary Counsel	10	84	6	8	84	8
Office of the Australian Information Commissioner	11	83	6	6	89	6
Office of the Inspector-General of Taxation and Taxation Ombudsman	0	100	0	13	81	6
Organ and Tissue Authority	*	*	*	0	93	7
Productivity Commission	4	91	5	8	85	7
Professional Services Review	0	93	7	0	100	0
Safe Work Australia	*	*	*	6	91	3
Services Australia	13	81	7	14	79	7
Sport Integrity Australia	7	86	7	8	85	7
Tertiary Education Quality and Standards Agency	21	76	3	24	64	11
The Australian Institute of Family Studies	16	76	7	14	81	4
The Department of the Prime Minister and Cabinet	9	85	5	9	86	5
The Treasury	7	88	5	7	89	4
Workplace Gender Equality Agency	*	*	*	0	87	13
Simple Average	10.4	83.5	6.1	9.9	83.1	6.9
APSC Reported Percentage	11.7					
Non-APS voluntary reporting agencies						
Civil Aviation and Safety Authority	17	75	8	11	82	7
Parliamentary Budget Office	3	93	5	12	82	6

Source: <https://www.apsc.gov.au/initiatives-and-programs/workforce-information/aps-employee-census-2021>