

# PNG LAW & JUSTICE SECTOR



THE PNG  
MAGISTERIAL SERVICE



PUBLIC  
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DEPARTMENT OF JUSTICE  
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NATIONAL JUDICIAL  
SERVICES



PUBLIC  
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# GENDER EQUALITY

in the public service

A Guide for Departmental  
Heads, Managers and Supervisors



Promoting a Just, Safe & Secure Society for All






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## FOREWORD



The National Public Service in Papua New Guinea is made up of women and men. Every one of them has a job with a job description and day to day directions from their manager to assist them to know what is expected. Every public servant has a manager or supervisor. Managers and supervisors have special responsibilities to make sure public servants reporting to them act according to the Public Service Code of Business Ethics and Conduct.

Management brings additional stature and respect from colleagues and also a higher rate of pay. It also brings responsibilities. The role of a manager is to help the department execute government policy in the particular branch or section the manager is leading. It is also the manager's job to ensure that his or her subordinates help the branch or section to execute government policy. Sometimes this is done by communication of what work is required, sometimes by correcting work and encouraging improvement, sometimes by mentoring junior people to reach a greater potential and sometimes by letting people know what is acceptable behavior in the workplace and instituting discipline where this is breached. Using discipline to address inappropriate conduct is not only good management; it is also a legal requirement of departmental heads, managers and supervisors in the public service.

Sometimes inappropriate conduct takes the form of discrimination against a fellow public servant based on gender. This is not acceptable or legal conduct. If a public servant makes a complaint about gender discrimination or sexual harassment, it is likely to be your responsibility to investigate the complaint. The Public Service General Orders set out the process for such investigations.

As a departmental head, manager or supervisor, you may not be familiar with all of the responsibilities you have under the Public Services (Management) Act and General Orders. You may not be entirely confident about how to conduct an investigation or how to deal with a complaint of gender discrimination or sexual harassment. Rights and responsibilities touching on gender discrimination and other matters relevant to gender are scattered throughout a number of laws, regulations and orders. This Guide has been written to help you understand the rights of your colleagues and subordinates and your responsibilities as a manager to fairly but rigorously investigate complaints when they are made.

This Guide is the companion volume to the Guide written to bring together information necessary for public servants to better understand their rights and to help them in taking action to use their rights. While some of the information is the same in both Guides, this Guide will assist you to carry out your important leadership role.

It is your job to set the tone of the department, branch or section for which you are responsible. You need to demonstrate positive behavior through strong and fair leadership. In order to do this, you need to be aware of the difference between behavior which is acceptable, and behavior which is not. You need to ensure processes are implemented in a clear and equitable way, so that people who wish to make a complaint are confident to do so, and people against whom a complaint has been made will know that they will be treated fairly.

It is true that for some public servants the concept of gender discrimination will be unfamiliar and challenging. Some public servants may be used to behaving in a way which is dismissive of the contribution of women. It will not be easy for you to confront this, but ethically and legally you must do so if a complaint is made.

As a manager you have a chance to set an example of fair and respectful behavior to your own managers and supervisors, to your colleagues and to your subordinates. You are asked to show courage and a commitment to equality of opportunity for all public servants. A positive change in the branch or section you manage will be a small but positive change in the National Public Service.

**Mr Joe Kanekane**

Director

Law and Justice Sector Secretariat



## 2. INTRODUCING THE PUBLIC SERVICES (MANAGEMENT) ACT AND GENERAL ORDERS



### 2.1. The Constitution of the Independent State of Papua New Guinea

The National Public Service is created under the *Constitution of the Independent State of Papua New Guinea (the Constitution)*. It is created as a "State Service". State Services are important services in PNG. As well as the National Public Service, they include the Police Force, the Correctional Service and the Defence Force. All State Services are independent and are separately given power to set terms and conditions of employment for their employees. The Constitution also establishes the Public Service Commission and its functions.

### 2.2. Scope of the Public Services (Management) Act and Public Service General Orders

One of the objectives of the *Public Services (Management) Act* is to use the Constitutional power to make a law about the organization of the public service, how people are employed in the Public Service and the terms and conditions of their employment. The person who has the most responsibility for oversight and compliance with the obligations set out in the *Public Services (Management) Act* is the Secretary of the Department of Personnel Management. The Secretary can give directions to officers, these directions are known as "General Orders".

The Act sets out the broad structure of the organization of the public service. The General Orders contain further details about matters mentioned in the Act and matters necessary for the efficient management and control of the public service.

The *Public Services (Management) Act* and Public Service General Orders apply to all officers, employees and other people employed under the Act. They do not apply to members of other State Services such as the Correctional Service or to officers in the service of the Ombudsman Commission.

### 2.3. What does the Public Services (Management) Act say about disciplinary offences?

The Act creates the broad arrangements for the organization of the public service. The General Orders provide the detail which fits into the structure and makes it work.

The Act sets up the structure of the Public Service Commission, the operations of the Public Service and makes broad rules about recruitment, appointments and promotions and discipline. Part XIV covers discipline and sets out a list of 13 disciplinary offences.

### 2.4. Where do I find copies of the General Orders and relevant laws?

A full list of public service disciplinary offences is included in **Schedule 5**. The offences are also found in the General Orders<sup>1</sup>. You can access the General Orders at the website for the Department of Personnel Management at [www.dpm.gov.pg/](http://www.dpm.gov.pg/). You need to click on "General Order" to find general orders and forms. You can find a copy of the Public Services management Act at [www.paclii.org](http://www.paclii.org). Follow the prompts for Papua New Guinea laws and then click on laws starting with "P".

The Act does not include much detail about the process of conducting a disciplinary investigation. The purpose of the Act is to set the structure. The smooth operation of disciplinary processes requires a lot of detail about what is done when and by whom. This is provided in the General Orders. The General Orders contain the detailed disciplinary processes and these will be described in greater detail below.



### 2.5. What do the General Orders say about the Responsibilities of Departmental Heads and their equivalents?

The General Orders are very clear about the responsibilities of senior managers in the Public Service. For example, in General Order Number 10 (Discipline), the obligation is set out as follows:

Departmental Heads, or equivalent, within National Departments are responsible and accountable, under the Public Services (Management) Act, for the management of discipline in their respective department. However, each manager and supervisor is responsible for ensuring employees within each section or branch of the public service behave in the manner required by the Code of Business Ethics and Conduct.<sup>2</sup>

What this means is that it is your responsibility, as a manager, to ensure your employees behave as required by the Code of Business Ethics and Conduct. Following the advice set out in this Guide will help you to discharge this responsibility.

<sup>1</sup>Section 50 *Public Services (Management) Act*; General Order No 10, Order 10.8  
<sup>2</sup>General Order No 10, Order 10.2



## 2.6. Where does gender discrimination fit into public service disciplinary offences?

Thirteen disciplinary offences are set out in the Act<sup>3</sup> and General Orders<sup>4</sup>. A disciplinary complaint must be made on one of these “grounds” or reasons for complaint about another public servant. None of the disciplinary offences specifically mentions gender discrimination. Despite this, it is certainly possible to complain alleging gender discrimination because it can be fitted into several disciplinary offences. Those offences most relevant to gender discrimination include:

- Committing a breach of the Act.
- Committing disgraceful or improper conduct in an employee’s official capacity or otherwise.
- Doing or saying anything in violation of the Oath of Loyalty and Service to the State and Executive Government.

## 2.7. How would gender discrimination fit into “disgraceful or improper conduct”?

The offence of “disgraceful or improper conduct” is important. It can cover a range of behaviors. These behaviors can certainly include gender discrimination or sexual harassment depending on the nature of what has been alleged. This offence is quite likely to be alleged in complaints about gender discrimination and sexual harassment.

*I have spoken to women that way lots of times before. No one ever complained. Does this mean I can't do that at work?*



## 2.8. How would gender discrimination fit into “doing or saying anything in violation of the Oath of Loyalty and Service to the State and Executive Government”?

The offence of “doing or saying anything in violation of the Oath of Loyalty and Service to the State and Executive Government” is also important as the Oath and Code of Business Ethics and Conduct both specifically state the requirement to “Deal with ...fellow officers, peers, subordinates and superiors alike, in a just and honest manner regardless of their gender”. This clearly includes discrimination based on gender. Violating this requirement is a specific breach of the Act<sup>5</sup> and the General Orders.<sup>6</sup>

## 2.9. How would gender discrimination fit into “committing a breach of the Act”?

The other offence of committing a breach of the Act may also be added in a number of offences, depending on the behaviors leading to the complaint. It would almost always be added to a complaint alleging “doing or saying anything in violation of the Oath of Loyalty and Service to the State and Executive Government” as this would almost always be a breach of the Act if proven.

The General Orders provide the detail of the process for investigations into allegations of disciplinary offences. A flowchart of the process is included in **Schedule 3**.

<sup>3</sup>Section 50 Public Services (Management) Act  
<sup>4</sup>General Order No 10, Order 10.8

<sup>5</sup>Section 50 Public Services (Management) Act  
<sup>6</sup>General Order No 10, Order 10.8



## 2.10. What about sexual harassment?

The General Orders specifically state that sexual harassment is a disciplinary offence.<sup>7</sup> Sexual harassment occurs where an employee is subject to:

- Demands of a sexual nature in exchange for promotion or other benefits unless demands of a sexual nature are met; or
- Unwelcome verbal or physical suggestions of a sexual nature which interferes with an employees work and creates an offensive or intimidating work environment.

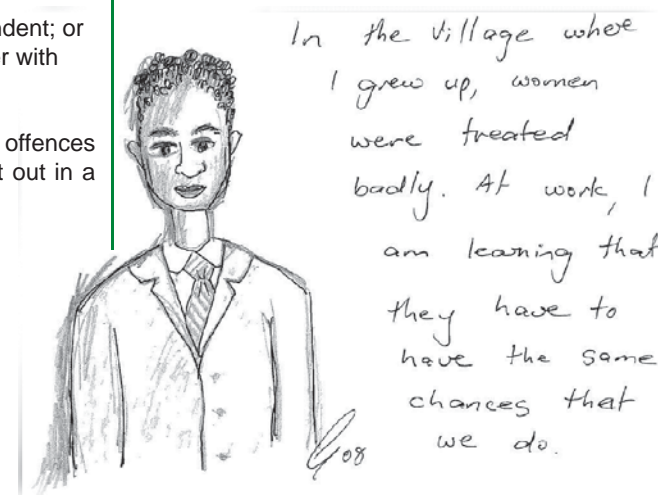
It should be noted that if an employee is subjected to sexual harassment, she or he should report the matter immediately to the departmental head. If supporting evidence is available, the departmental head must lay charges for a serious disciplinary offence. It should be noted that supporting evidence can be direct or circumstantial. Direct evidence could include actually seeing the conduct complained about. Circumstantial evidence may include:

- evidence of the demeanor of the complainant who may be distressed;
- medical evidence including evidence of stress;
- evidence of workmates who may not have seen the acts giving rise to the complaint, but may have witnessed behavior consistent with such acts taking place. For example, workmates may have witnessed:
  - o the complainant being asked to go into the respondents office and the door being closed;
  - o the complainant being asked to work late by the respondent; or
  - o the complainant appearing distressed after an encounter with the respondent.

The way in which discrimination and sexual harassment fit into disciplinary offences under the *Public Services (Management) Act* and General Orders is set out in a flowchart in **Schedule 4**.

## 2.11. I am very busy. It is inconvenient to investigate a complaint.

As a departmental head, manager or supervisor, you are ethically and legally obliged to investigate a complaint. It is a very important part of public service efficacy and morale for allegations of wrongdoing to be investigated fairly and thoroughly. If a decision-maker, or that person’s delegate, tries to punish the complainant for making a complaint, that is also discriminatory behavior. If anyone tries to intimidate the complainant or prevent the complainant from making a complaint, the complainant should complain about that pressure or intimidation, and contact the EEO coordinator.



<sup>7</sup>General Order No 10, Order 10.49 and 10.50



# 3. GENDER DISCRIMINATION

As a manager, you will be required to form a judgment from time to time about whether one of your subordinates has suffered gender discrimination. To assist you in doing so, it may be useful to consider some information about the nature of gender discrimination.

## 3.1. What is discrimination?

Discrimination means treating someone unfairly because of a personal characteristic, such as their gender, race, colour, religion, political opinion, national extraction or social origin.

Discrimination against women means treating women unfairly, just because they are women. Some examples of gender discrimination include unfair treatment because of:

- Gender
- Marital status
- Pregnancy (or possible pregnancy)
- Family responsibilities

A woman would be the victim of gender discrimination, if she lost her job because she was pregnant, was sexually harassed, was denied a promotion because she was a woman, was dismissed because of family responsibilities or was offered less pay than a man would have been offered, just because she was a woman.

## 3.2. What does “gender discrimination in employment” mean?

This kind of gender discrimination could mean many things, such as denying someone:

- The right to the same employment opportunities, including the application of the same criteria for selection in employment
- The right to free choice of profession and employment
- The right to job security and all benefits and conditions of service
- The right to receive vocational training and retraining
- The right to equal pay, including benefits, and to equal treatment for work of equal value, as well as equality of treatment in the evaluation of the quality of work
- The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction
- The right to work during pregnancy

I'm pregnant.  
I'm afraid I  
will lose my  
job when I  
have the  
baby. What  
are my  
rights?



## 3.3. What are some examples of gender discrimination in employment?

Some examples of gender discrimination in employment are:

- Missing out on a job because an applicant is of child-bearing age.
- Missing out on a job because an applicant is female.
- Being demoted to a lower-paid position because of pregnancy.
- Being refused a job because of marital status, whether the applicant is single, married, divorced, widowed or in a de facto relationship.
- Being overlooked for promotion because of an applicant's role as a carer for a sick relative (for example a family member who is infected with HIV)
- Not being considered for a role because an applicant has young children
- Working in an identical role as a man, but earning less pay and receiving lower benefits

We know we are good at our jobs. Neither of us have been promoted for five years. Is there anything we can do?



## 3.4. What does “sexual harassment” mean?

Sexual harassment is one type of discrimination, and is unwelcome or unwanted conduct of a sexual nature that could make a person feel offended, humiliated or intimidated. It can be physical, verbal, visual or written. It can involve statements or pictures. Genuine mutual attraction or friendship would not be considered to fall within the definition of sexual harassment.

My boss keeps asking me for sex. I don't want to sleep with him, but I want to keep my job. I don't know what to do.



## 3.5. What are some examples of sexual harassment?

Some examples of sexual harassment include:

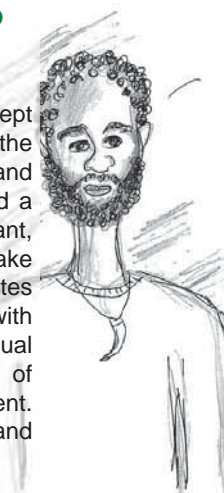
- An unwelcome sexual advance.
- A request for sexual favours, with or without promises of promotion or other benefits, or else refusal to approve benefits unless demands of a sexual nature are met.
- Unnecessary physical intimacy, such as brushing up against a person.
- Being exposed to sexually explicit material, such as photographs or computer images.
- Receiving sexual propositions or repeated requests for dates.
- Being subjected to unwelcome verbal or physical suggestions which interfere with an employee's work and create an offensive or intimidating working environment.
- Linking employment or promotion opportunities to the provision of sexual favours.

Indecent assault is also a criminal offence, which could lead to a criminal prosecution being brought. If a public servant is convicted of a criminal offence, he or she must then be subject to the disciplinary process as it applies to criminal offences.

## 3.6. Does this mean that some people may have to change their attitudes?

Yes. For some people, the concept of equality of participation in the public service will be unfamiliar and challenging. It is important to avoid a culture of blame, but it is also important, as a manager and a leader, to make clear to colleagues and subordinates that all public servants are treated with dignity and respect and enjoy equal rights to a work environment free of discrimination or sexual harassment. As a manager, this is your ethical and legal duty.

I have a "boss meri". I wasn't happy at first, but actually, she's not a bad boss.





## 4. RESPONSIBILITIES OF DEPARTMENTAL HEADS, MANAGERS AND SUPERVISORS FOR DISCIPLINE

### 4.1. Who is responsible for ensuring that there is no gender discrimination or sexual harassment in the Public Service?

Departmental heads<sup>8</sup> are responsible under the *Public Services (Management) Act* for the management of discipline in their department. <sup>9</sup>Each manager and supervisor is responsible for ensuring employees within each section or branch of the public service behave in the manner required by the Code of Business Ethics and Conduct.<sup>10</sup>

### 4.2. Who has authority to investigate complaints?

Formal authority lies with the departmental head, or that person's delegate. (If you have been delegated to act on behalf of the departmental head there should be a written document providing evidence of the delegation of authority.)

#### Please note:

*An acting departmental head, or equivalent, on relief basis is not permitted to exercise any disciplinary powers unless he or she is formally appointed by the Head of State.<sup>11</sup>*

As a matter of practice, complaints are investigated by an investigator appointed to undertake that task. As a manager or supervisor, this could be you. The departmental head is very busy and has many branches and sections to oversee. He or she responds to recommendations prepared by others. The full detail of the investigation process is set out at **Schedule 3**.

### 4.3. What disciplinary authority can be delegated by a Departmental Head?

Departmental heads may delegate to another senior officer in writing the following disciplinary authority:

- To deal with minor disciplinary offences, including the laying of charges and the issuing of written reprimands and warnings;
- To lay serious disciplinary charges against an employee, and to recommend to the departmental head appropriate actions and penalties; and
- To suspend an officer with full pay, when the departmental head is not available.<sup>12</sup>

### 4.4. Can a decision by a Departmental Head to take disciplinary action against an employee be reviewed?

Yes it can. The employee has the right to have that decision reviewed by the Public Services Commission where:

- The request to review the decision is made in writing to the Public Service Commission;
- That written request is provided to the Public Service Commission within 60 days of the date on which the decision was made; and
- A copy of the request to review the decision is also provided to the relevant Department Head and the Secretary of the Department of Personnel Management.<sup>13</sup>



<sup>8</sup>Or equivalent appointments. In this Guide, a reference to a Departmental Head includes a reference to equivalents in Provincial Administrations and Statutory Authorities.

<sup>9</sup>General Order No 10, Order 10.2  
<sup>11</sup>General Order No 10, Order 10.2  
General Order No 10, Order 10.3

<sup>12</sup>General Order No 10, Order 10.4  
<sup>13</sup>General Order No 10, Order 10.6

## 5. INFORMAL OPTIONS FOR ADDRESSING COMPLAINTS

### 5.1. If a public servant approaches me wanting to take action about possible discrimination, how should I react?

It is important to encourage a complainant to write down her or his recollection of the incident or pattern of behavior which has caused grief as soon as possible after the incident or behavior occurs. People's recollection of exactly what happens becomes less clear and reliable over time. All options for taking action require a written report, so the sooner the complainant records her or his recollection of what happened, the easier it will be to take action and to present a strong case.

You should also give the complainant a copy of the companion volume to this Guide "Gender Equality in the Public Service: A Guide to the Rights of Public Servants". This will help provide information and let the complainant know what to expect and how the process works.

### 5.2. Can informal action be taken about gender discrimination at work?

#### Not for sexual harassment

Informal action is not appropriate for sexual harassment. Sexual harassment is a disciplinary offence. If a public servant believes she has been sexually harassed, she should be encouraged to immediately write down what happened. When a written report is received, you should forward it immediately to the departmental head (or delegate as advised by the EEO coordinator or the human resources manager). You should advise the complainant to attach any other relevant materials to her written account. These may include witness statements, emails, photographs, medical reports or other relevant documents. If supporting evidence is provided, the departmental head must lay charges for a serious disciplinary

offence against the alleged offender. Supporting evidence could include the complainants' written account, witness statements or other things,

An informal approach is possible for many matters other than criminal matters or sexual harassment

The first possible informal approach is to encourage the complainant to speak directly to the person who is causing the problem and ask him or her to stop. Sometimes people can be quite unaware of the effect of their behavior on others and will stop their behavior if they are told it has caused you offence or grief.

If talking to the person who has caused offence or grief does not work, another informal approach is for the complainant to ask for the matter to be conciliated as a grievance.

### 5.3. What is conciliation? Conciliation is a voluntary mediation process.

In this process, an independent mediator assists complainants and respondents to resolve disputes when their efforts to do so have not succeeded. The process can be described as a facilitated search for agreement between disputing parties. In the public service process, it is conducted by an independent third person, possibly the EEO coordinator, the Human Resources Manager or another person.





#### 5.4. How is the process of conciliation begun?

Conciliation is entirely voluntary. The complainant would ask you or the EEO coordinator to set up a conciliation process. Both the complainant and the respondent must agree to participate. Arrangements for conciliation meetings are finalised only when both parties confirm their willingness to participate in the process.

To begin, the conciliator will need to be given a copy of written complaint. The respondent will be asked for his or her written response. The conciliator will consider the material to try to identify issues where there may be a disagreement or misunderstanding between the complainant and the respondent. Conciliation will happen soon after this.

#### 5.5. What happens in conciliation?

Conciliation involves a series of meetings that usually take place on the same day. The process starts with the conciliator chairing a joint meeting between the complainant and the respondent. The object of the meeting is to discuss the issues raised by the complainant and to try to resolve the dispute and restore peace and harmony in the workplace. The conciliator may also meet the complainant and the respondent separately. The first meeting enables the conciliator to hear the parties' assessment of the dispute. Subsequent meetings explore the possibilities for resolution.

The conciliation process is informal and non-legalistic in its practice. The complainant may wish to bring a friend or support person along.

The conciliator treats as confidential all information received during the course of conciliation. She or he will not divulge this information to any other party unless expressly permitted to do so.

#### 5.6. Does conciliation work?

Yes it does work. Conciliation can be very successful in providing some acknowledgment that the respondent's behaviour has been inappropriate and has caused the complainant grief. It can also help to get an agreement from the respondent that the behaviour will stop. The complainant may request an apology from the respondent, which may be made. A flowchart setting out the grievance process is provided in **Schedule 2**.

#### 5.7. Who is in control?

The complainant and the respondent retain control during the conciliation process. The conciliator never imposes an outcome. Resolution of a dispute is an outcome that the parties themselves voluntarily decide. Likewise, where the parties do not resolve their dispute at conciliation, that is also their decision.

If the grievance process resolves the matter, there is no need for further action. If the matter is not resolved, the complainant will need to seriously consider taking formal action.

#### 5.8. Possible remedies

As part of conciliation, the parties may agree on action to be taken arising from conciliation. This may include:

- An apology (written or verbal)
- Securing an agreement from the respondent to stop the offending behavior
- Provide access to a previously denied job opportunity, such as a pay rise or promotion.



## 6. WHEN A FORMAL DISCIPLINARY COMPLAINT ABOUT DISCRIMINATION IS MADE

If someone believes that they have been the victim of discrimination or any disciplinary offence under the General Orders, that person can make a formal disciplinary complaint. The full list of disciplinary offences in the General Orders is set out in **Schedule 5**.

#### 6.1. Does the complaint need to be in writing? What does it need to contain?

Yes, the complaint does need to be in writing. The material which is collected will help you when you need to conduct an investigation into the complaint. Details on the information a complainant should provide are included in **Schedule 7**. Details of this requirement are also provided in the companion volume to this Guide, *Gender Equality in the Public Service: A Guide to the Rights of Public Servants*

#### 6.2. What are the categories of offence?

There are three broad categories of offence you need to know about:

- **Minor offence** – this is where the departmental head determines that only caution or reprimand is warranted.
- **Serious offence** – this is where the departmental head believes that a caution or reprimand is insufficient punishment for the offence committed by an employee or where a number of minor offences have been committed by an employee showing a deterioration of an employee's behaviour or performance so that it has become a serious matter.
- **Criminal offence** – this is where the employee is formally charged by the Police with a criminal offence. A Criminal offence may relate to the employee's duties, or be unrelated to the employee's duties.<sup>14</sup>

##### Example: minor offence

*A complaint was made about an officer in the public service alleging that she was rude to a member of the public seeking assistance within the public servants area of work.*

##### Example: serious offence

*A complaint was made about an officer in the public service alleging that he came to work drunk and was abusive to coworkers, leaving them fearful of possible violence.*

##### Example: criminal offence

*A public servant convicted of rape would immediately be subject to a disciplinary investigation because of the criminal offence.*

#### 6.3. When is the Disciplinary Complaints Process Required?

Before deciding whether or not a disciplinary complaints process should be initiated, advice will be sought from the HR Branch. In practice,<sup>15</sup> a request is made of the departmental head for a disciplinary process to be initiated. The request will be likely to include

- Documentation outlining the allegations
- Evidence supporting the allegation
- Any history of repeat behavior in relation to the allegation
- A draft terms of reference, developed with advice from the HR branch
- Request to appoint an investigator.<sup>16</sup>

An investigator is appointed by the departmental head, if the evidence suggests that an investigation is required.<sup>17</sup> If in doubt, fairness requires that investigation be carried out.



<sup>14</sup>General Order No 10, Order 10.9

<sup>15</sup>More information is contained at Schedule 6, "The Disciplinary Process: A Step-by-Step Guide".

<sup>16</sup>Public Services (Management) Act section 52.

<sup>17</sup>See Step by Step Guide



# 7. CONDUCTING AN INVESTIGATION

## 7.1. Are there detailed procedures for conducting an investigation?

There are requirements in General Order 10 and these are set out in this guide and summarized in the flowchart at **Schedule 3**. There are also Guidelines in General Order 10 which may be accessed and used if preferred. These are set out in **Schedule 6**. Guidelines are not legal requirements, but rather a guide to the process. The following material contains the legal requirements under General Order 10.

## 7.2. What is the guiding rule of conducting an investigation when a complaint has been made?

It is important that when decisions are made which affects people's interests, those decisions are fair and reasonable. The main requirement is that people being investigated receive what is called "natural justice". This requires three things:

- firstly, that you advise the person against whom a complaint has been made what the case against them is, and provide them with an opportunity to be heard;
- secondly, you must not have a personal interest in the outcome (in other words, you do not desire a particular outcome, but only wish to conduct a fair process); and
- finally, you must base your decision on the evidence before you.

When complaints are being investigated, if you are the departmental head it is likely that a person other than you will be carrying out the investigation. It is up to you to do what you can to make sure that the process is fair, and follows the guiding rule.



## 7.3. How do I provide natural justice?

Before making a decision, you need to inform the person against whom the complaint is made, that a complaint has been made, as well as the substance of the complaint. You do not need to provide all the information you have about the matter to the person who is the subject of the investigation.

You need to provide the person with an opportunity to be heard. This can be done by allowing a written response or else provide a hearing for the person. They should be allowed to address why particular action should not be taken, or why a particular decision should or should not be made.

You need to satisfy yourself that any decision you make is based on relevant evidence.

You need to be impartial: you cannot have an interest in the outcome, one way or the other. Even if you do not

actually have an interest, if for some reason people may think that you are biased (for example, because you are a friend of a close relative of either the complainant or the respondent) you will be considered to be biased, and should not conduct the investigation.

### Example:

*A complaint was made about Gideon. It was Arco's job to conduct the investigation, but Gideon and Arco are wantoks. Arco knew that if he conducted the investigation, he may appear to be biased, even if he was not. Arco asked his manager if the investigation could be carried out by someone else as he believed there would be an appearance of bias if the responsibility was left with him.*

You need to consider any written materials or explanations made by the complainant, the respondent or witnesses before you make your decision: you cannot make up your mind before your investigation has concluded.

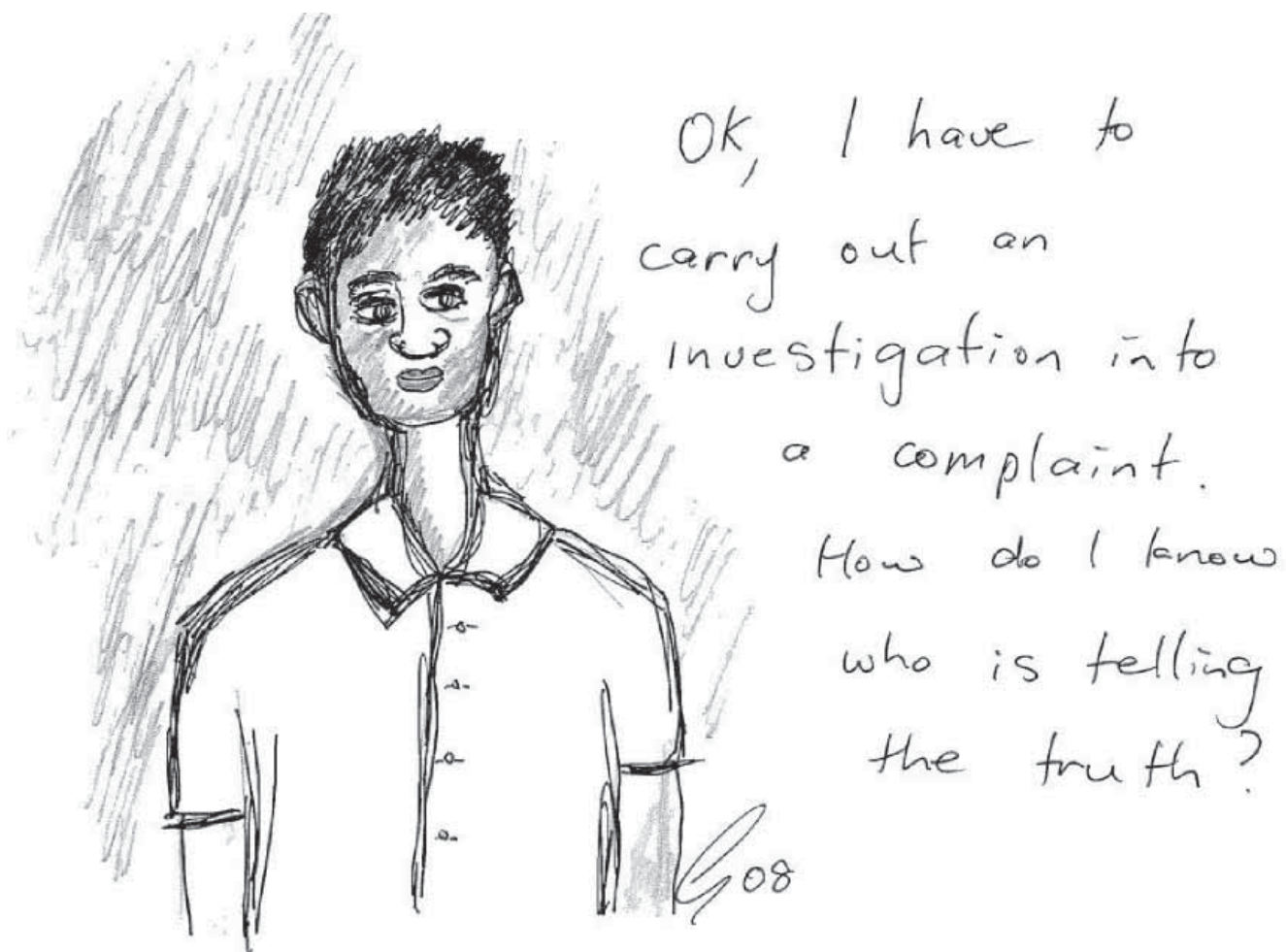
You also need to treat the matter as confidential. People who you interview will also be asked to treat the matter as confidential.

## 7.4. Is natural justice important?

Natural justice is critical in ensuring that a person complaining is properly dealt with, as is the person against whom the complaint has been made. When investigations are conducted fairly and transparently there is increased confidence in the system designed to protect everyone.







### 7.5. What kind of evidence may be used to support a complaint?

It should be noted that supporting evidence can be direct or circumstantial. You would investigate both kinds of evidence. Direct evidence could include actually seeing the conduct complained about. Circumstantial evidence may include:

- evidence of the demeanor of the complainant who may be distressed;
- medical evidence including evidence of stress;
- evidence of workmates who may not have seen the acts giving rise to the complaint, but may have witnessed behavior consistent with such acts taking place. For example, workmates may have witnessed:
  - o the complainant being asked to go into the respondents office and the door being closed;
  - o the complainant being asked to work late by the respondent; or
  - o the complainant appearing distressed after an encounter with the respondent.

The way in which discrimination and sexual harassment fit into disciplinary offences under the Public Services (Management) Act and General Orders is set out in a flowchart in **Schedule 4**.



### 7.6. How do I begin the investigation?

The investigator notifies the employee of the allegations and the process for the investigation. The employee is given 7 days to respond from the date the employee received the allegations. If a decision is made to suspend the employee, the suspension notice is served on the employee. If a decision is taken that the investigation would be compromised if the employee is notified, the investigation will commence without the employee being informed.

The investigator conducts the investigation. This can be done using terms of reference approved by the departmental head or delegate. Evidence can be gathered the following way:

- Conducting interviews with witnesses
- Collecting and analyzing documentation providing evidence to support or refute the allegations
- Interviewing the employee responding to the allegations
- Other evidence based on the information-gathering tool approved by the department head (if a tool is available).

The investigator prepares the findings and recommendations report based on the investigation, terms of reference and response of the employee to the allegations. The report is to determine whether the allegations against the employee have been substantiated. The Findings of Investigation Report is to be forwarded to the departmental head or delegate.

### 7.7. When would I recommend that there is no complaint to be answered?

You may recommend that there is no complaint to be answered, if there is

- Lack of evidence
- Evidence that the complaint is vexatious or frivolous (this means that the complaint appears very silly and not serious to most reasonable people or the person complaining repeatedly makes doubtful complaints. Most complaints would be unlikely to be found frivolous or vexatious)
- An unreasonable time delay (for example, 12 months between the date of the alleged incident, and the date of the complaint.)



### 7.8. Can the complainant withdraw the complaint?

The complainant may withdraw their complaint at any time. If that happens, you will not be required to take any further action, and the complaint process will be closed. Any request to withdraw needs to be put in writing by the complainant.







## 8. LAYING CHARGES

### 8.1. The investigator has recommended that charges be laid; what do I do first?

As departmental head or delegate, you review the Report findings and Recommendations, and decide whether to charge the employee or withdraw the allegations. The recommendation may be to lay charges for a minor disciplinary offence or for a serious disciplinary offence. As departmental head or delegate, you are required to formally lay a charge on an employee as soon as practicable.<sup>18</sup>

An employee who is charged is required to reply to the charge within 7 working days from the date of the charge, and a copy of the Investigation Report, is received. If the employee fails to reply within this period, the employee may be deemed to have admitted guilt of the charge<sup>19</sup> and a decision made accordingly.<sup>20</sup>

If evidence is provided by the employee which refutes the charges and allegations, the charge is withdrawn, and any suspension is lifted.



### 8.2. What is required in the case of Minor Offences?<sup>21</sup>

If the departmental head (or delegate) believes that an employee has committed a minor disciplinary offence, he or she may formally lay charges (or inform the employee verbally) and call upon the employee to provide a written explanation regarding the alleged offence.

If after considering the written explanation, the departmental head considers a minor offence has been committed, that person should formally caution or reprimand the employee concerned. The same result will apply if no explanation is provided or it is not satisfactory.

A copy of the reprimand is to be placed on the employee's file, and a copy provided to the employee. If the caution or reprimand is made by a delegated senior officer, a copy is required to be sent to the departmental head.



### 8.3. What am I obliged to do if there is evidence to support a claim of sexual harassment?

Sexual harassment is a disciplinary offence. It cannot be dealt with by a more informal process such as conciliation and cannot be dealt with as a minor offence. If you become aware that someone has complained about being a victim of sexual harassment, it is your job to encourage the victim to provide you with a written report. This report should include the victim's account of what happened and any other relevant materials. These other relevant materials could include witness statements, emails, photographs, medical reports or other relevant documents. If supporting evidence is provided, you must lay charges for a serious disciplinary offence against the alleged offender. If charges are laid about sexual harassment, it must be dealt with as a serious offence.

### 8.4. What is required in the case of Serious Offences?

If the Departmental Head (or delegate) believes that an employee has committed a serious disciplinary offence, he or she needs to decide whether the nature and seriousness of the offence warrants suspension from duty.<sup>22</sup> Suspension may be with or without pay, immediately (that is, before laying the charge) or at the same time as laying the charge, or after the laying of the charge.<sup>23</sup>

<sup>18</sup>General Order No 10, Order 10.18

<sup>19</sup>Public Services (Management) Act section 52 (4)(b)(iii)

<sup>20</sup>General Order No 10, Order 10.19

<sup>21</sup>General Order No 10, Orders 10.10 – 10.13

<sup>22</sup>General Order No 10, Order 10.14

<sup>23</sup>General Order No 10, Order 10.15



## 8.5. When should an officer be suspended?

A decision to suspend an officer should not be taken lightly. A senior officer can make the decision to suspend an officer with full pay, when the departmental head is not available.<sup>24</sup> If the departmental head is available, he or she should make the decision about suspension (either with or without pay).

An employee should be suspended by the departmental head where:

- The officer's continued presence may influence investigations into the alleged offence;
- The officer's continued presence at work presents a risk to life or property; or
- The Departmental Head considers it likely that the employee may repeat the alleged offence.<sup>25</sup>

The departmental head may remove the suspension at any time while the charges are being determined. If the charges are not sustained, the suspension must be lifted.<sup>26</sup>

## 8.6. What punishment may be applied?

If you decide the charge is proven based on the evidence you have considered, you need to decide upon a penalty. The officer is then advised of the proposed penalty. The officer is invited to respond and to provide information that may mitigate the severity of the proposed penalty.

After considering the evidence, including the charged person's response (if one is made), if the charge is found to be sustained, the following punishments may be applied:

- Fining the employee an appropriate sum, but not more than 20% of the employee's gross fortnightly pay;
- Reduce the employee's salary by one or more salary points within the relevant salary grade;
- Reduce the employee to a lower classification salary grade but to the same salary point within that lower classification salary grade;
- Transfer the employee to another office or work location, in addition to or instead of imposing one of the above punishments;
- Terminate the employee's employment from the public service.<sup>27</sup>

The departmental head must formally notify the relevant officer either that:

- The charge has been dismissed; or
- The charge has been sustained, together with details of the punishment decided upon.

This notification is to be made within 21 working days of the date that the departmental head received the officer's reply to the charge. If the formal notification is not provided to the officer within the 21 day working period, the charges against the officer are null and void.<sup>28</sup>



## 8.7. What is the procedure where an officer is charged by the Police with a Criminal Offence?

Where an officer is charged by the police with a criminal offence, the departmental head shall either:

- Suspend the officer without pay, where the offence relates to the duties of the officer's office; or
- Suspend the officer with full pay, where the offence does not relate to the duties of office.<sup>29</sup>

## 8.8. What happens if the officer is convicted?

If an officer is convicted of a criminal offence which relates to the duties of his or her office, the officer is required to have their employment terminated by the departmental head. Where the conviction does not relate to an offence which is related to the duties of office, the departmental head will terminate that person's employment, unless the departmental head determines otherwise.<sup>31</sup>

In deciding whether the officer's employment should not be terminated, the departmental head is required to take into account the seriousness of the crime committed and the severity of the punishment imposed by the Court. If a decision is made not to determine employment, a less severe punishment may be chosen from the list set out above in paragraph 8.6.<sup>32</sup>



<sup>24</sup>General Order No 10, Order 10.4  
<sup>25</sup>General Order No 10, Order 10.16

<sup>26</sup>General Order No 10, Order 10.17  
<sup>27</sup>General Order No 10, Order 10.20  
<sup>28</sup>General Order No 10, Order 10.21

<sup>29</sup>General Order No 10, Order 10.23  
<sup>30</sup>General Order No 10, Order 10.25  
<sup>31</sup>General Order No 10, Order 10.26  
<sup>32</sup>General Order No 10, Order 10.27



### 8.9. What happens if for any reason the conviction does not stand?

Where a person has been convicted of a criminal offence, and the person's employment has been terminated, and any of the following occurs:

- The conviction is quashed
- The employee is pardoned
- The conviction is otherwise nullified
- The officer is released from prison as a result of an Inquiry, the officer may be re-appointed to the public service by the departmental head.<sup>33</sup>

Reappointment will be to an office not lower than the office classification the former officer occupied immediately prior to the termination of employment. Any period of probation may be waived by the departmental head, if that is considered appropriate.<sup>34</sup>



### 8.10. What happens if the employee is not convicted?

If the officer who has been charged, not convicted and suspended, the departmental head is to notify the employee of the removal of the suspension, and be back-paid all salary owing during the period of suspension.<sup>35</sup> However, if the evidence available convinces the departmental head that the officer has committed a disciplinary offence, even though the officer has not been convicted by a court, the departmental head may still charge the officer with a disciplinary offence under the normal disciplinary offence procedures set out above.<sup>36</sup>

The reason this could happen is because it is more difficult to prove a criminal case than it is to prove a civil case. What this means that if the prosecution cannot prove its case beyond reasonable doubt, the prosecution will fail. This is called the criminal burden of proof. It is less difficult to prove a civil case: it is enough to show that the event probably happened (in other words, on the balance of probabilities, it occurred). This is called the civil burden of proof.

<sup>33</sup>General Order No 10, Order 10.28  
<sup>34</sup>General Order No 10, Order 10.29  
<sup>35</sup>General Order No 10, Order 10.31(a)  
<sup>36</sup>General Order No 10, Order 10.31(b)







## 9. CONSIDERING LEAVE APPLICATIONS FOR LEAVE RELEVANT TO PARENTS, CARERS OF CHILDREN AND BREASTFEEDING MOTHERS

As a departmental head, manager or supervisor, you will need to approve leave. It is useful to have information about the kinds of leave which may be accessed by public servants who are parents or becoming parents, carers of children and breastfeeding mothers.

### 9.1. What kinds of leave are available in the Public Service?

Employees of the Public Service are entitled to many different kinds of leave, both paid and unpaid. This includes recreation leave, maternity leave, sick leave, emergency or compassionate leave and study leave. All leave decisions are required to be in accordance with the General Order on Leave Entitlements.<sup>37</sup>

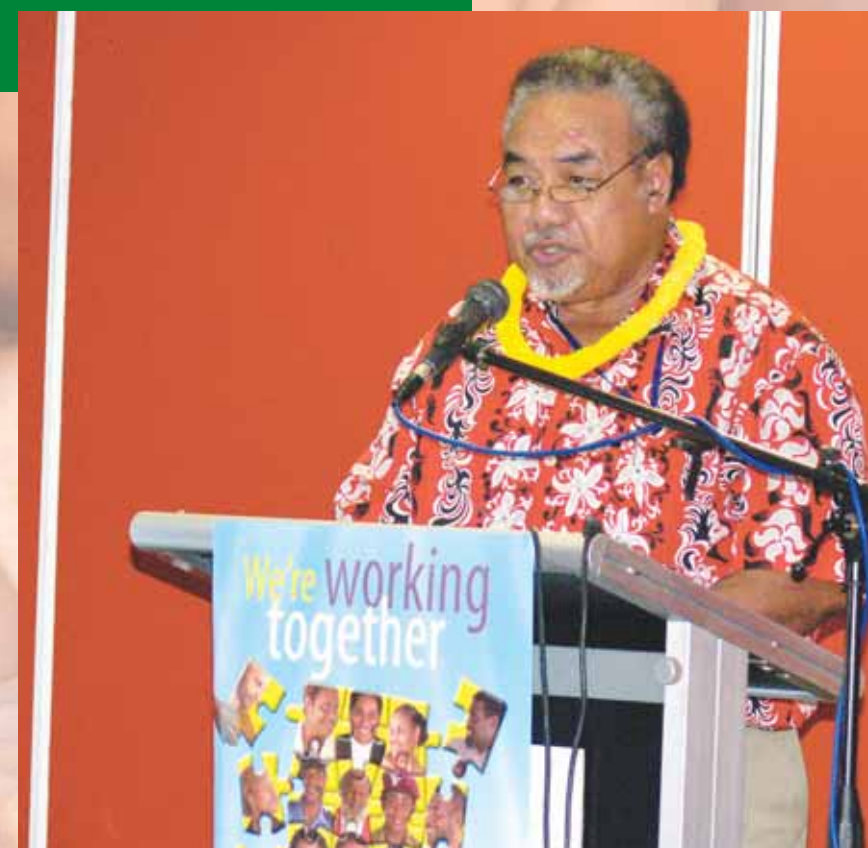


### 9.2. Who is responsible for making decisions about leave applications?

The Departmental Head is responsible for administration of leave entitlements. The actual decision will be made by a person delegated with that responsibility by the Departmental Head. This is usually the Human Resources Manager within an area.

### 9.3. Can men get paternity leave?

Yes. A Departmental Head may grant up to 10 days paid leave (in a 12 month period) for paternity leave. A man who wishes to take paternity leave must submit a formal application prior to taking leave, setting out the period of paid leave and the reason the paid leave is sought.<sup>38</sup>



<sup>37</sup>General Order Number 9.  
<sup>38</sup>GO 9.13.



#### 9.4. What kind of maternity leave is available to a pregnant employee?

A pregnant employee can apply for up to 12 weeks leave: 6 weeks prior to the anticipated birth of the baby, and six weeks immediately following the date of birth. The employee cannot come back to work earlier than 6 weeks following the baby's birth.<sup>39</sup> There are specific provisions dealing with how leave and pay will be calculated in the General Order on Leave Entitlements.<sup>40</sup> Prior to the birth, an employee may be paid either using sick leave credits. Sick leave credits accrue during public service employment, so depending on how long the employee has been working and how much sick leave has been accumulated, the employee may be able to have the entire six weeks as sick leave.

If an employee has not been working long, or the employee has used sick leave and has no credits available or insufficient credits six weeks sick leave, the employee will receive leave without pay for up to six weeks (to count as service).

Following the birth, the employee is entitled to six weeks maternity leave with full pay.



#### 9.5. Can an employee have more than six weeks leave after the birth of the baby?

If a medical practitioner certifies that the employee is unfit to resume duty due to illness resulting from the birth, she may be granted additional leave. (If a medical practitioner is not available, a medical statement from an APO or HEO will be acceptable.<sup>41</sup>) The employee will need to utilise sick leave credits during this time.<sup>42</sup> If she has no sick credits or has used them for maternity leave prior to the baby's birth, this further leave will be taken as leave without pay.



#### 9.6. Is there any other way leave can be extended?

Accrued recreation leave may be able to be taken to extend maternity leave.<sup>43</sup> Public Servants are entitled to 15 days in each twelve month period. If all entitlements are not taken in one year, entitlements accrue up to a maximum of 37.5 days plus public holidays. Applications for recreation leave are to be made two months in advance and submitted to the Departmental Head through the relevant supervisor.<sup>44</sup>

The Departmental Head has discretion to grant an employee up to 12 months leave without pay. Only one period of leave without pay may be granted to an employee in any 24 month period.<sup>45</sup> This option is only available to employees who hold permanent positions within the public service.<sup>46</sup>

Compassionate leave of up to ten days within a twelve month period is also available in limited circumstances such as the serious illness of the baby.<sup>47</sup>

#### 9.7. Is time off permitted to breastfeed a child?

An employee can receive permission to take leave of up to one hour, twice a day, up to six months after the birth of the baby, for breast feeding. Leave for this is granted with pay, and will not affect continuity of service.<sup>48</sup>

#### 9.8. Is an adoptive parent entitled to leave?

When an employee adopts an infant, the employee is entitled to six weeks leave immediately following the date of adoption.<sup>49</sup> There are some specific provisions about this: the adoption must be certified by a medical practitioner to be a new-born infant, and the employee must complete a statutory declaration certifying that they have adopted the infant in accordance with law. The employee will need, within 6 months of the infant's birth, to get either a local court or National Court certificate stating that the adoption has taken place in accordance with the law.<sup>50</sup>

#### 9.9. Can an employee take leave to care for a sick child.

An employee can apply for up to 10 days paid leave for a number of reasons, including serious illness or death of a spouse, children (including legally adopted children), parents or their spouse's children.<sup>51</sup> An employee can also apply for emergency leave for urgent personal reasons.<sup>52</sup>

#### 9.10. What steps need to be taken to apply for any of the leave discussed in this Guide?

This is a multi-step process, and is set out fully in General Order Number 9.<sup>53</sup> A leave form will need to be completed together with attached supporting documentation (such as a certificate from your doctor.) Leave should be sought well in advance, to allow time for the request to be processed.

#### 9.11. Where are the necessary leave forms located?

All leave forms may found on the website of the Department of Personnel Management at <http://www.dpm.gov.pg/>. Follow the prompt for "General Orders" and you will find copies of General Orders, Schedules and Forms.



<sup>39</sup>GO 9.72.

<sup>40</sup>GO 9.75 – 0.78.

<sup>41</sup>GO 9.78.

<sup>42</sup>GO 9.79. [Note to GH: this is where the double typo appears: see my memo to you of 16.06.08]

<sup>43</sup>GO 9.17.

<sup>44</sup>GO 9.19.

<sup>45</sup>GO 9.121(c).

<sup>46</sup>GO 9.121.

<sup>47</sup>GO 9.12.

<sup>48</sup>GO 9.80 and 9.81.

<sup>49</sup>GO 9.73.

<sup>50</sup>GO 9.74.

<sup>51</sup>GO 9.12.

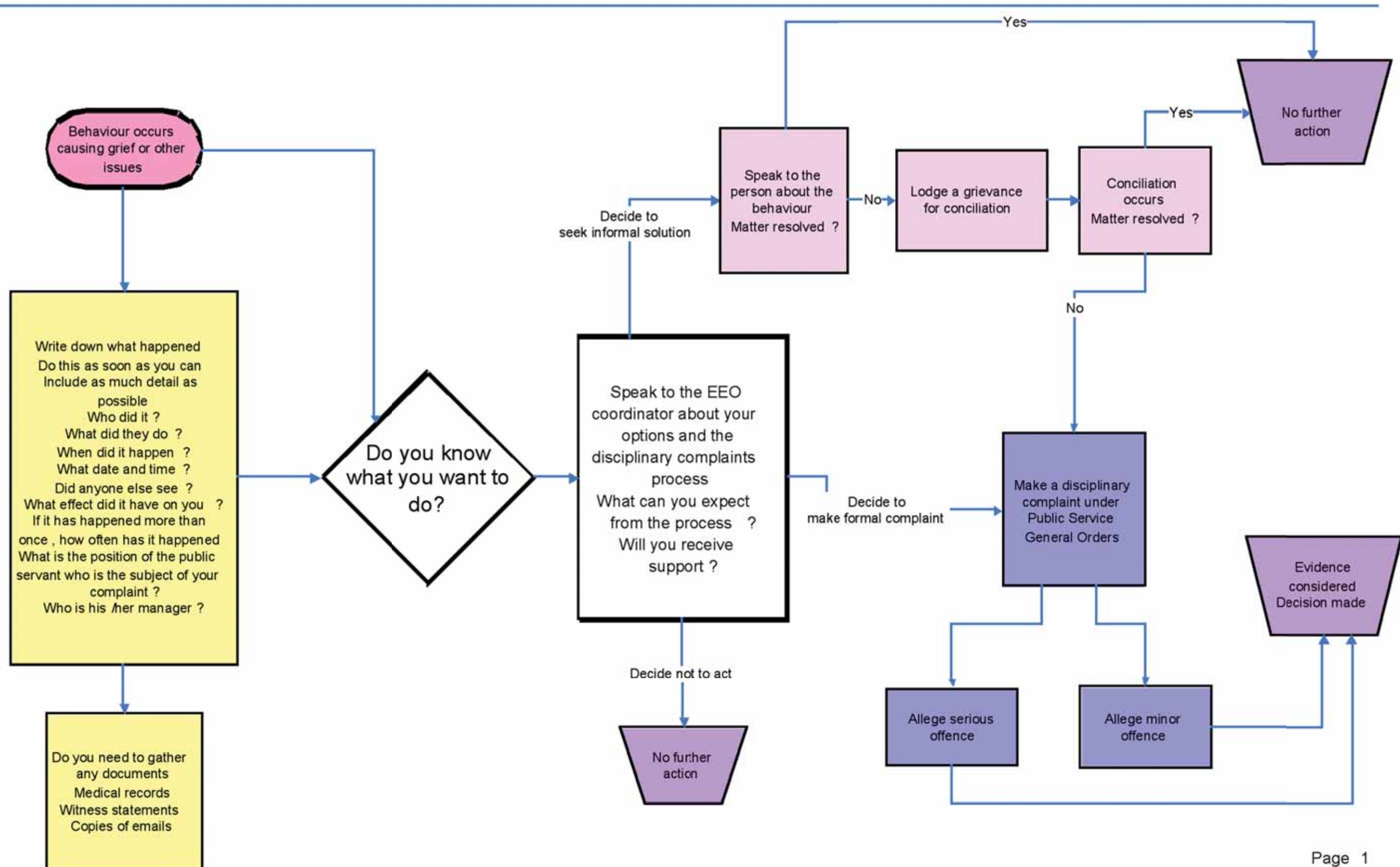
<sup>52</sup>GO 9.12 (c).

<sup>53</sup>Administrative steps are set out in Part 5.



# How do I decide whether to make a complaint?

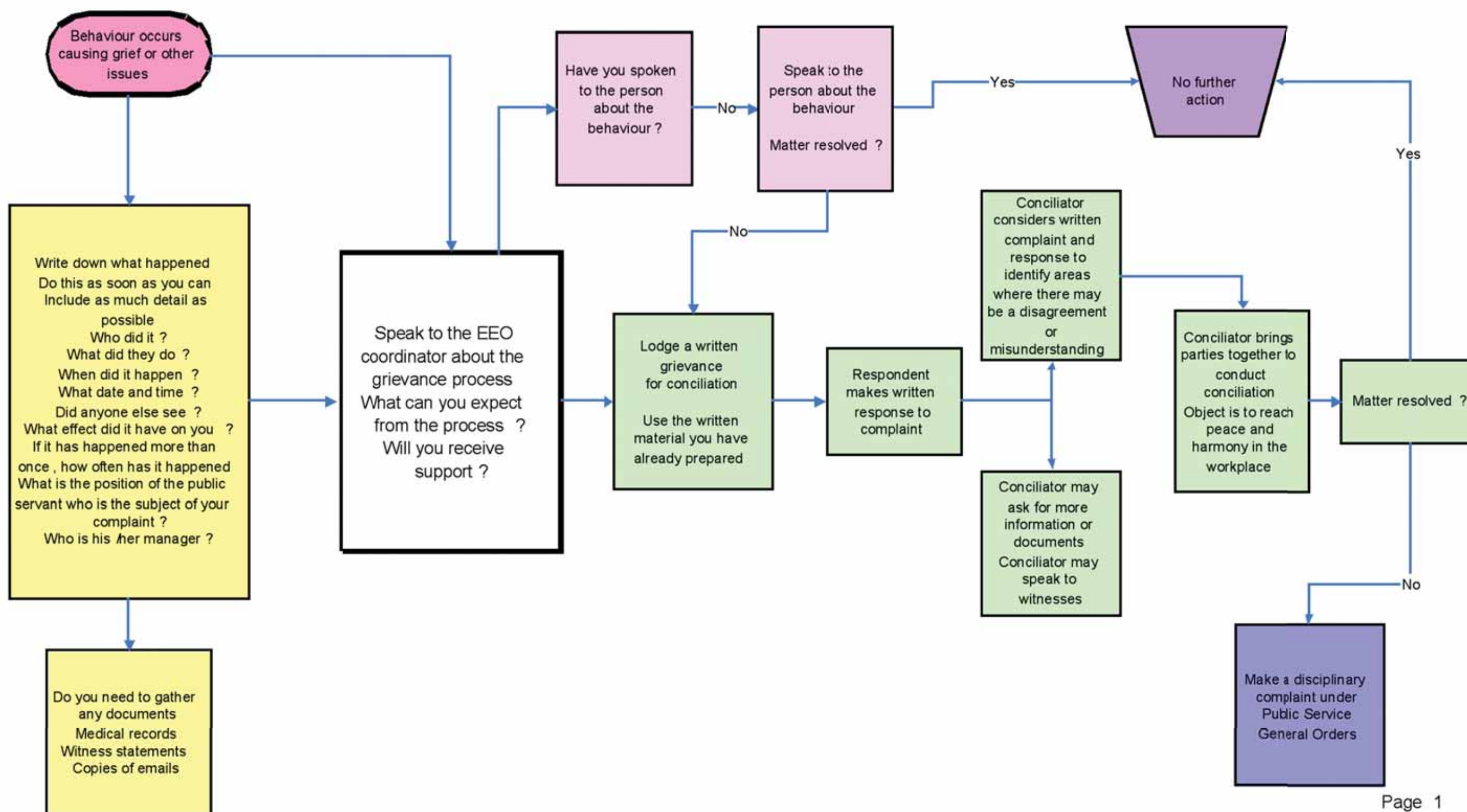
Schedule 1





# Process for conciliation of a grievance

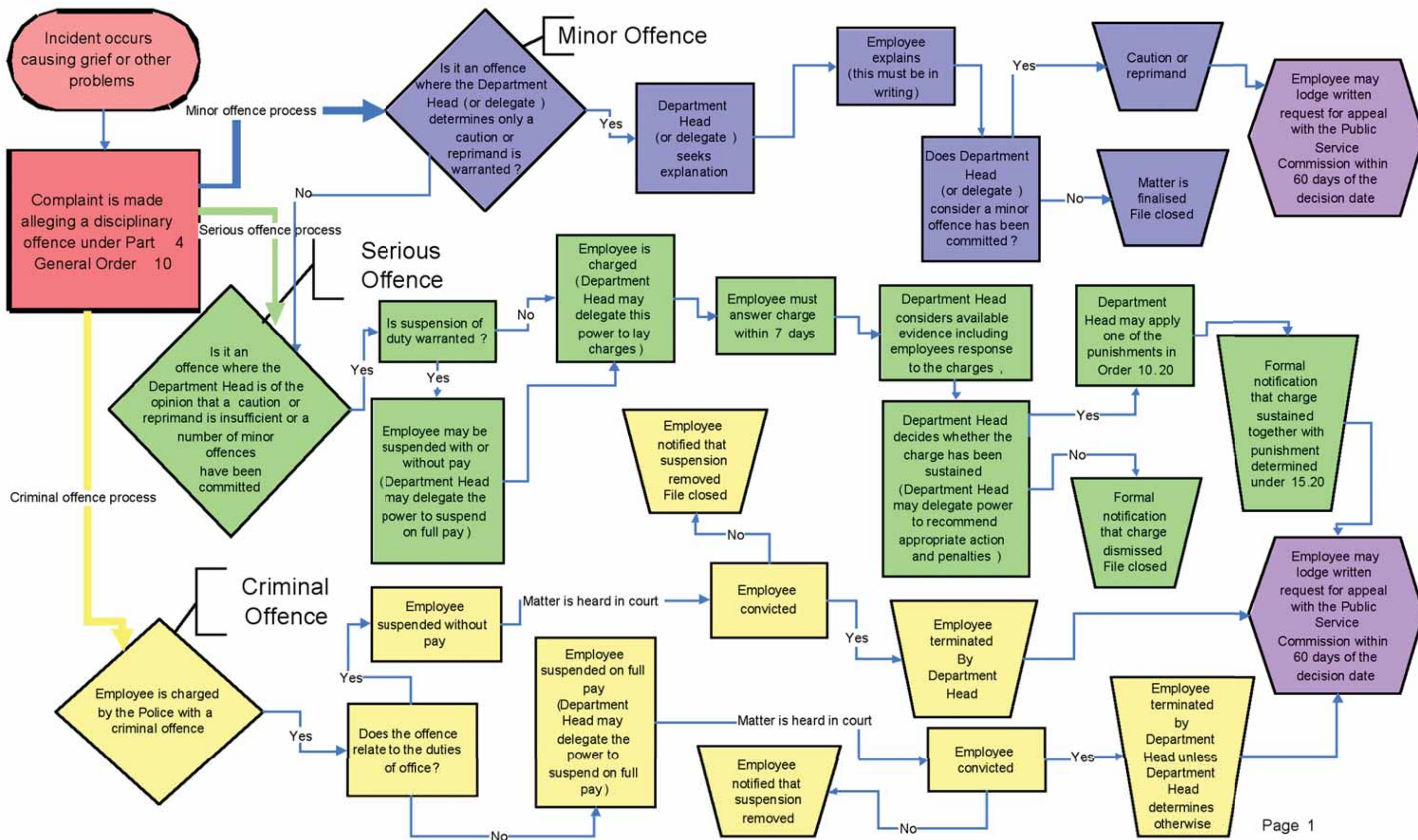
Schedule 2





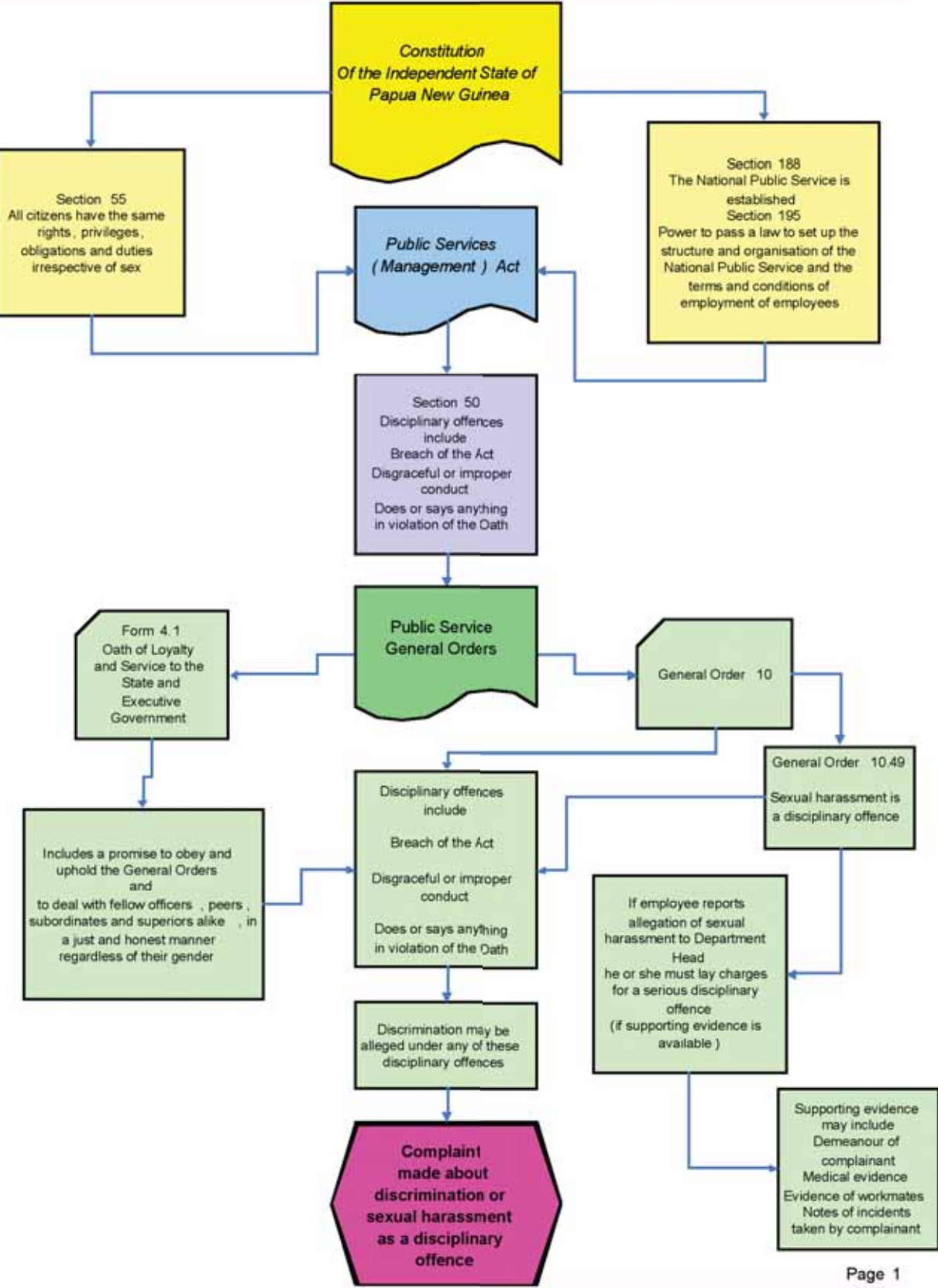
# Discipline Process

Schedule 3





How discrimination and sexual harassment fit into disciplinary offences  
under the *Public Services (Management) Act* and General Orders  
Schedule 4



Schedule 5 - Disciplinary offences.

An officer who—

- (a) commits a breach of the Public Services (Management) Act; or
- (b) except as authorized in the course of official duty, does or divulges, directly or indirectly, any confidential information concerning public business or any matters of which he has official knowledge; or
- (c) except with the consent of the Head of State, acting on advice, or of an officer authorized for the purpose by the Head of State, acting on advice, publicly comments on administrative action or the administration of a Department; or
- (d) willfully disobeys or disregards a lawful order made or given by a person having authority to make or give it; or
- (e) is negligent or careless in the discharge of his duties; or
- (f) is inefficient or incompetent from causes within his own control; or
- (g) uses intoxicating liquors or drugs to excess; or
- (h) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties (other than his official remuneration); or
- (i) is guilty of disgraceful or improper conduct in his official capacity or otherwise; or
- (j) having taken an oath or made an affirmation in the form in Schedule 1, of the Public Services (Management) Act does or says anything in violation of it; or
- (k) seeks the influence or interest of any person in order to gain promotion, transfer or other advantage; or
- (l) supplies to another officer, for use for any purpose referred to in Paragraph (k), a certificate or testimonial relating to official capacity or the performance of official duties,

is guilty of a disciplinary offence and is liable to be dealt with and punished.





## Schedule 6 - The Disciplinary Process: A Step-by-Step Practical Guide<sup>54</sup>

1. Allegation regarding ill-discipline is received by manager of section, or manager forms opinion that ill-discipline is occurring.

The manager then notifies and consults with Manager, HR Branch.

2. If officer has been charged with a criminal offence by police, the policy outlined in General Order (and Guide) is to be implemented. The manager notifies the Departmental Head and provides documentation, including advice of the HR Manager and a recommendation.

Department Head is to make a decision regarding suspension with or without pay.

3. If Manager believes a criminal offence has been committed, Manager notifies Departmental Head immediately. Manager is to document allegations and provide any evidence, including advice of HR Manager. If a criminal offence is believed to have been committed, manager must also initiate internal disciplinary process.

If Departmental Head believes a criminal offence has been committed, the Head must notify the police immediately.

4. If the employee's manager believes a minor disciplinary offence has been committed, the employee will be asked for an explanation. If no explanation is provided or it is not satisfactory, the manager will formally caution the employee in writing. A copy of the caution is to be kept on file for two years. After two years, the caution is destroyed.

5. If the employee's manager believes the allegations amount to a serious offence, advice will be sought from the HR branch in drafting terms of reference for the proposed discipline process. The manager takes into account whether the allegation is a repeat offence; whether the allegation is of official misconduct or whether the allegation is serious in nature. The manager forwards a request to initiate the discipline process to the Departmental Head (or delegate). The request is to include:

- Documentation outlining the allegations
- Evidence supporting the allegation
- Any history of repeat behaviour in relation to the allegation
- A draft terms of reference, developed with advice from the HR branch
- Request to appoint an investigator. (PS Act, section 52)

6. The Departmental Head reviews the allegations and evidence, and decides if the discipline process should be initiated. If it is, a decision needs to be made regarding suspension. A decision must also be taken as to whether the employee should be notified of the investigation at this stage.

If the Departmental Head decides that the manager's recommendation to conduct an investigation should not be supported, but there is evidence of ill-discipline, steps should be taken to treat the matter as a minor disciplinary offence. The employee's behaviour should be managed through the performance management process, and a warning or reprimand issued.

If the allegations are not supported by the evidence, the manager will be advised to take no further action.

7. If the Departmental Head believes a serious disciplinary offence may have been committed, the investigation terms of reference are reviewed and either approved or modified.

8. The Departmental Head reviews the request to appoint an investigator and approves or recommends an alternative investigator. The investigator is then appointed.

9. The investigator notifies the employee of the allegations and the process for the investigation. The employee is given 7 days to respond from the date the employee received the allegations. If a decision is made to suspend the employee, the suspension notice is served on the employee. If a decision is taken that the investigation would be compromised if the employee is notified, the investigation will commence without the employee being informed.

10. The investigator conducts the investigation using the terms of reference approved by the Department Head or delegate. Evidence can be gathered the following way:

- Conducting interviews with witnesses
- Collecting and analyzing documentation providing evidence to support or refute the allegations
- Interviewing the employee responding to the allegations
- Other evidence based on the information-gathering tool approved by the Department Head.

11. The investigator prepares the findings and recommendations report based on the investigation, terms of reference and response of the employee to the allegations. The report is to determine whether the allegations against the employee have been substantiated. The Findings of Investigation Report is to be forwarded to the departmental head or delegate.

12. The Departmental Head reviews the Report findings and Recommendations and decides whether to charge the employee or withdraw the allegations. The HR branch is accordingly advised whether to charge the employee, or inform the employee the allegations have been withdrawn. No record of the investigation is to be recorded on the employee's personnel file.

13. If the allegations are substantiated, the employee is charged. The employee will receive a copy of the investigation report with the charge, and is given 7 days to respond to the report and the evidence contained in the investigation report. The HR Branch is to open a discipline file and file all documentation relating to the discipline process on the file.

14. The employee is given 7 days to respond to the charge. The response is to be sent to the HR manager. If the response is not received within 7 days, they will be deemed to have admitted the truth of the charge (PS Act section 52(4)(b)(ii)).

15. The HR Manager reviews the employee's response and determines if there is any evidence provided which refutes the charges and allegations. The HR Manager can decide to withdraw the charges if the employee provides the relevant evidence. If the charge is withdrawn, the suspension is lifted.

16. If there is no evidence provided to refute the charges, the employee is advised of the proposed penalty.

17. The employee responds to the proposed penalty. The employee provides information that may mitigate the severity of the proposed penalty.

18. If there is information which mitigates the severity of the penalty, the HR Manager may decide to impose the penalty as it stands, or approve a less severe penalty.

19. The processing of disciplinary penalties is the responsibility of the payroll/salaries branch.



<sup>54</sup>This material is drawn from Part 5: Administrative Guidelines of General Order Number 10: Discipline



## Schedule 7 – details to be included in a complaint

### II. The complainant's details

- Name
- Address
- Telephone: home/work/mobile
- Fax number
- Email
- Name and address details of the individual or organisation which is the subject of the complaint.

### III. If the person is an individual:

- What is his/her name?
- What is his/her position
- Name of his/her manager
- Name of his/her Department
- Name of his/her Department Head

### IV. Details, in chronological order, about what happened, covering the following points:

- What happened to the complainant?
- When did it happen?
- Where did it happen?
- How did you respond?
- Did it happen more than once, i.e. is it a pattern of behavior over a period of time such as six months
- Were there any witnesses? Who else was involved?
- Name/contact detail of witness (A brief statement from the witness would be very useful)

### V. Include a statement about how this incident has affected the complainant.

### VI. If the behavior being complained about has happened over a period of time, it is important to estimate when it first started to happen and then how often it has happened since.

#### Example 1:

*I want to complain because my boss keeps asking me for sex. This first happened about two months ago, just after Easter. Since then, it has happened about once a week. It makes me scared and when he is in the office and working close to me, I feel scared he will ask me again. I am finding it hard to concentrate and do my work.*



#### Example 2:

*There was a position going in my branch. It is a management position. I know the area well and I have a lot of relevant experience. I have been working in the branch for five years and I recently did a management training program. I was thinking about applying. I spoke to the Branch manager. He told me not to bother applying because the men in the branch would not like to take orders from a woman. He told me not to waste his time.*

### VII. Any other relevant written material should be included and attached to the complaint form. This may include:

- medical records;
- statements of witnesses;
- the complainant's own notes of events, if the complainant is complaining about a pattern of behavior which has been going on for some time;
- copies of emails;
- photographs; or
- any other document which the complainant thinks will help to support the case.

#### Example 3:

*I work at the desk next to Mary. Mary has been upset at work a lot lately and I have had to help her finish some things. Our boss goes to her desk a lot and talks to her. She gets red in the face and sometimes cries after this happens. I have seen this happen a few times, maybe three or four. The last time was about a week ago. I think the first time was quite a while ago, maybe a month. The last time it happened I heard him say to her "I want you to stay behind tonight and be with me". She went to the ladies toilet after that and didn't come out for about twenty minutes. When I saw her again, I thought she had been crying.*

When the complainant is happy with the content of your statement, the complainant will need to sign and date the complaint form. The complainant will deliver the form either to the Department Head, or to the Human Resources Manager or the EEO Coordinator.

