

## Managing Occupational Violence Policy

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### 1. Statement

- 1.1. This policy sets out the commitment of the ACT Education Directorate to ensure the risk of occupational violence to staff in workplaces is eliminated so far as is reasonably practicable, to minimise the impact of any exposure and to provide rapid response and appropriate support following any incident.
- 1.2. The policy commits the ACT Education Directorate, through all levels of the organisation, to protect staff in the course of their work from exposure to occupational violence risk and to clearly demonstrate that occupational violence is unacceptable.

### 2. Purpose

- 2.1. The purpose of the policy is to provide a framework for the management of occupational violence risks across ACT Education Directorate workplaces and to provide the foundation for supporting plans, procedures and other guides.
- 2.2. In particular, this policy should be read in conjunction with:
  - *The ACT Public Sector Managing Occupational Violence Policy 2012*. This policy outlines the requirement for all Directorates to have an Occupational Violence Management Plan to manage this risk.
  - The Directorate *Occupational Violence Management Plan (Plan)*. This Plan outlines procedures, strategies and provides tools for schools to manage occupational violence in the workplace.

### 3. Definition

- 3.1. Occupational violence (also referred to as 'workplace violence') is defined as 'any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured in the course of, or as a direct result of, his or her work.'<sup>1</sup>
- 3.2. Occupational violence may include personal intimidation, verbal abuse, physical assault, sexual harassment, threatening behaviour, abuse through technology (text, emails, social media and phone calls), making vexatious complaints, and making derogatory, slanderous or threatening statements to or about another person.

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<sup>1</sup> International Labor Organisation Sectoral Activities Program, *Code of Practice on Workplace Violence in services sectors and measures to combat this phenomenon*, Geneva: ILO, 2003, clause 1.3.1.

#### **4. Scope**

- 4.1. This policy applies to all ACT Education Directorate Workplaces, any person considered to be a staff member or 'worker' for the ACT Education Directorate pursuant to section 7 of the *Work Health and Safety Act 2011* (ACT) (the WHS Act) and others.
- 4.2. The workplace can include settings such as school excursions, areas beyond the work location and activities outside of school hours.
- 4.3. Occupational violence is not limited to incidents which occur within a workplace, but also those that are a result of work.
- 4.4. This policy concerns occupational violence between a worker and a client or person other than a worker. The *Respect at Work Policy* and *Preventing Work Bullying Guidelines* deal with issues between staff in the workplace.
- 4.5. The actions and behaviours of students, visitors, parents and others (as defined) in so far as they create an occupational violence risk are pertinent to the scope of the policy.

#### **5. Context**

- 5.1. Greater exposure of human services professions such as education to occupational violence has been documented in recent years. The results of surveys in the ACT and elsewhere in Australia has shown an increasing frequency of occupational violence incidents. This information is considered to underestimate the level of exposure as these surveys have also shown a lack of awareness of reporting obligations and in some areas a culture of acceptance of occupational violence.
- 5.2. This policy has been initiated in response to both the increasing levels of occupational violence and to the need to unambiguously demonstrate that occupational violence is a serious and complex matter requiring a measured and consistent response across the system.
- 5.3. Responses to occupational violence must be evidence-based, positive and preventive and consistent with the commitment of the ACT Government and that:

'issues posed by students with complex needs and challenging behaviour should not be problematised, but instead seen as an opportunity, invitation and challenge to further exemplify the inclusive vision of the ACT and its schools.'<sup>2</sup>

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<sup>2</sup> ACT Government response to Schools for All Report, p 6

## 6. Legislation

- 6.1. The primary legislative reference is the WHS Act which sets out the duties and obligations relevant to managing occupational violence risks.
- 6.2. The ACT Education Directorate has a legal responsibility under the WHS Act to provide a workplace for staff that is safe and healthy. The WHS Act requires EDU to either eliminate risk to worker health and safety so far as is reasonably practicable or if it is not possible to eliminate the risk, then to minimise the risk so far as is reasonably practicable.
- 6.3. There is adjacent legislation that is relevant to occupational violence and includes:
  - *Public Sector Management Act 1994 (ACT)*
  - *Education Act 2004 (ACT)*
  - *Human Rights Act 2004 (ACT)*
  - *Crimes Act 1900 (ACT)*
  - *Discrimination Act 1991 (ACT)*
  - *Disability Discrimination Act 1992 (Cth)*
  - *Disability Standards for Education 2005 (Cth)*
  - *Ombudsman Act 1989 (ACT)*

## 7. Consultation

- 7.1. The duty to consult with employees at the workplace is embedded in the WHS Act and is critical to managing complex issues such as occupational violence. Understanding the nature of risks and the measures to eliminate or minimise them requires timely consultation and communication. This policy reinforces the need for ongoing consultation in order to effectively manage occupational violence.
- 7.2. The role of elected Health and Safety Representatives (HSR) in the consultation process at the workplace is important if the experience and concerns of work groups about occupational violence is to contribute to making workplaces safer. The WHS Act outlines the role, power and obligations of HSRs in addressing issues such as occupational violence.

## 8. Responsibilities

- 8.1. **Director-General ACT Education Directorate** is responsible for:
  - 8.1.1. Ensuring the safety and wellbeing of staff across Directorate workplaces in relation to occupational violence
  - 8.1.2. Identifying occupational violence hazards found in Directorate workplaces

- 8.1.3. Assessing occupational violence risks found in Directorate workplaces
  - 8.1.4. Implementing effective risk controls that afford the highest level of protection that is reasonably practicable
  - 8.1.5. Ensuring the Directorate risk register reflects the current status of identified risks
  - 8.1.6. Developing and disseminating standard procedures, guides and prevention measures to address occupational violence risks
  - 8.1.7. Identifying, resourcing and facilitating relevant training for Directorate staff to undertake their respective roles in a way that eliminates or minimises occupational violence risks
  - 8.1.8. Coordinating responses to occupational violence incidents with system wide implications
  - 8.1.9. Coordinating notifiable incident reporting and any subsequent investigation
  - 8.1.10. Monitoring system wide data on incidents, injuries and health related to occupational violence for the purpose of assessing the effectiveness of current prevention measures
  - 8.1.11. Providing resources, support and assistance as required to workplaces after experiencing the impacts of occupational violence
  - 8.1.12. Ensuring resolution of occupational violence matters.
- 8.2. **Directorate Executive, Directors School Improvement** are responsible for:
- 8.2.1. Identifying hazards and responding to work health and safety concerns raised by Principals, including conducting risk assessments
  - 8.2.2. Ensuring the development and regular review of the effectiveness of policies and procedures to ensure staff safety and wellbeing in relation to occupational violence
  - 8.2.3. Ensuring that risks associated with identified occupational violence hazards are identified and managed in accordance with Directorate policy and procedure with controls implemented at the highest level of protection that is reasonably practicable
  - 8.2.4. Ensuring that a process for managing currency of local workplace risk registers is implemented
  - 8.2.5. Ensuring that a process for monitoring effectiveness of prevention measures and post-incident response is implemented
  - 8.2.6. Providing local workplaces with support and resources to assist them to exercise their role in a way that eliminates or minimises occupational violence risk
  - 8.2.7. Communicating and consulting on occupational violence issues at a system level.
- 8.3. **Managers and School Leaders** are responsible for:
- 8.3.1. Implementing the policies and procedures developed to ensure the safety and wellbeing of staff in their workplace in relation to occupational violence
  - 8.3.2. Identifying occupational violence hazards at the workplace and establishing the presence of any common risk factors outlined in the Directorate *Occupational Violence Management Plan*
  - 8.3.3. Undertaking subsequent risk assessments and applying Directorate risk assessment templates

- 8.3.4. Monitoring the effectiveness of current risk controls in managing occupational violence after any incident, system wide alert or evidence of escalated risk and otherwise on a regular basis
  - 8.3.5. Modelling behaviours consistent with reducing occupational violence risk
  - 8.3.6. Communicating and consulting at a local level on occupational violence issues
  - 8.3.7. Making staff aware of occupational violence policy and procedures and seeking compliance with such policy and procedures
  - 8.3.8. Building a positive reporting culture and acting to prevent a reoccurrence within the bounds of local level resources and capability
  - 8.3.9. Ensuring occupational violence incidents are reported
  - 8.3.10. Ensuring any notifiable incidents are reported in mandated timelines
  - 8.3.11. Responding to occupational violence incidents where emergency services are engaged and ensuring protocols for emergency plans are followed
  - 8.3.12. Providing or facilitating occupational violence incident support as set out in Directorate procedures
  - 8.3.13. Providing a positive and supportive workplace for anyone impacted by occupational violence.
- 8.4. **Employees** are responsible for:
- 8.4.1. Complying with Whole of Government and Directorate policy and procedures on occupational violence
  - 8.4.2. Reporting incidents of occupational violence in line with the Whole of Government 'Responding to workplace accidents/incidents' policy
  - 8.4.3. Applying training provided for managing occupational violence risks
  - 8.4.4. Ensuring their actions do not create an occupational violence risk to themselves or to others.
9. **Policy Owner**
- 9.1. The Deputy Director General Business Services is responsible for this policy.
10. **Monitoring and review**
- 10.1. The Policy Owner, People and Performance monitors this policy by annual scan and full review conducted within three years
  - 10.2. A process of review and evaluation will be developed as part of consultation to support the effectiveness of this policy.
11. **Contact**
- 11.1. For support contact People and Performance Branch on 02 6205 9202 or email [etdhealthandwellbeing@act.gov.au](mailto:etdhealthandwellbeing@act.gov.au).

## 12. Complaints

- 12.1. Any concerns about the application of this policy or the policy itself, should be raised with:
- the school principal in the first instance;
  - the Directorate's Liaison Unit on (02) 6205 5429;
  - online at [http://www.education.act.gov.au/contact\\_us](http://www.education.act.gov.au/contact_us);
  - see also the *Complaints Policy* on the Directorate's website.

## 13. Implementation Documents

- 13.1. This policy is to be implemented through the application of the related documents:
- Occupational Violence Management Plan
  - Occupational Violence Procedures (TBD)
  - Occupational Violence Checklists (TBD)

## 14. Related Policies and Information

- 14.1. ACTPS policy
- *ACT Public Sector Managing Occupational Violence Policy 2012*
  - *ACT Public Sector Accident/ Incident Reporting and Investigation Policy 2012*
- 14.2. Education Directorate policies/procedures
- *Accident/Incident Reporting Guide*
  - *Critical and Non-critical Incident Reporting Policy*
  - *Safe and Supportive Schools Policy*
  - *Volunteers and Visitors Policy*
  - *Volunteers and Visitors Code of Conduct*
  - *Unwelcome Visitors Handbook*
- 14.3. Legislative References
- *ACT Work Health and Safety Act 2011*
  - *ACT Worker Safety Regulation 2011*
  - *ACT Public Sector Management Act 1994*
  - *Education Act 2004*
  - *Human Rights Act 2004*
  - *Crimes Act 1900*
  - *Crimes Regulation 2001*