

MANAGING OCCUPATIONAL VIOLENCE

PURPOSE

1. The purpose of this policy is to ensure that Directorates develop procedures that protect the health and safety of workers who have the potential to experience occupational violence.

APPLICATION

2. This policy contains a set of whole-of-government instructions issued by the Head of Service under the *Public Sector Management Act 1994* which binds all employees and officers engaged under that Act.

BACKGROUND

3. The ACT Government recognises its duty of care to workers arising from the *Work Health and Safety Act 2011* (WHS Act) in relation to occupational violence.
4. The ACT Government is committed to providing workplace where staff, clients and third parties work together to support a safe environment which is free from violence, harassment and intimidation.
5. Occupational violence is defined as ‘any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed or injured in the course of, or as a direct result of, his or her work.’¹
6. Occupational violence may include personal intimidation, verbal abuse, physical assault, sexual harassment, threatening behaviour, abuse through technology (text, emails, and phone calls), making vexatious complaints, and making derogatory, slanderous or threatening statements to or about another person.
7. Occupational violence is not limited to incidents which occur within a workplace. It can also include violence that occurs away from work, but is a result of work. Violence experienced occupationally may also be of sufficient severity or concern to constitute reporting the incident(s) to the ACT Police in addition to following internal procedures.
8. Occupational violence in this policy applies only whenever a worker is threatened or assaulted in circumstances arising from their employment by someone other than a staff member. Violence between staff members is addressed in the ACT Government Respect, Equity and Diversity Framework (2010) and the *Public Sector Management Act (1994)*.

¹ 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.

PRINCIPLES

9. Occupational violence is unacceptable. The ACT Government will manage the risks of occupational violence and respond to support employees if they experience occupational violence.
10. Directorates must have a comprehensive occupational violence management plan in place which identifies the risks of violence in their workplaces and outlines the management strategies to be implemented to eliminate or mitigate those specific risks.² Where the risk of occupational violence cannot be eliminated, clearly articulated response strategies must be included in any plan. Where business units consider changes to service delivery as a response to the risk of occupational violence, statutory obligations must be considered and all decisions must be in accordance with natural justice principles and be made with regards to equity, fairness and accountability.
11. Any attempts to manage occupational violence in the workplace are subject to relevant laws.

RESPONSIBILITIES

A) DIRECTORS-GENERAL/AGENCY HEADS

- Must, as part of Work Health and Safety due diligence, ensure that occupational violence risks are assessed and managed;
- Must ensure specific risk management approaches are developed relevant to the directorate/agency's risk profile and in alignment with whole of government policies; and
- Must ensure systems are in place to respond to occupational violence incidents.

B) EXECUTIVES/MANAGER/SUPERVISOR/PERSON IN CONTROL

- Must assess occupational violence risk, and develop strategies to manage this risk within their business units;
- Must ensure access to training and resources for staff relevant to their business unit's occupational violence risk;
- Must ensure occupational violence incidents are reported and investigated, and control measures are identified and implemented; and
- Must ensure that staff exposed to occupational violence are provided with appropriate support.

C) WORKERS

- Must seek to prevent occupational violence by following all risk management strategies and procedures to prevent or minimise the likelihood of events occurring; and

² Some directorates, due to the nature of the work undertaken may have minor risk of occupational violence. In these cases a risk assessment must still be undertaken to ensure that all risks are considered and managed.

- Must familiarise themselves and act in accordance with ACT Government and agency guidelines and procedures relating to occupational violence.

LEGISLATIVE REFERENCES

This policy will be delivered in accordance with the following legislation.

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulations 2011](#)
- [Public Sector Management Act 1994](#)
- [Disability Discrimination Act 1992](#)
- *Mental Health Act 2015*
- *Mental Health (Secure Facilities) Act 2016*
- [Human Rights Act 2004](#)
- [Human Rights Commission Act 2005](#)
- [Information Privacy Act 2014](#)
- *Senior Practitioner Act 2018*

This policy is aligned with the following ACT Public Sector policies

- Respect, Equity and Diversity Framework
- [ACT Public Sector – Reasonable Adjustment Policy](#)
- [Protecting and Managing our Information Policy](#)
- [Standards for Records, Information and Data](#)
- [Workplace Privacy Policy 2011](#)
- ACTPS WHS Policy Statement