

MANAGING OCCUPATIONAL VIOLENCE

PURPOSE

1. The purpose of this policy is to ensure that ACT Public Sector (ACTPS) directorates and agencies implement procedures to protect the health and safety of employees who may be exposed to occupational violence as a result of their work with the ACTPS.

APPLICATION

2. This policy contains a set of whole-of-government instructions 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 employees arising from the *Work Health and Safety Act 2011* (WHS Act) in relation to occupational violence.
4. The ACT Government is committed to creating and maintaining mentally healthy workplaces. Occupational violence is recognised as a key psychosocial hazard.
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 covers a broad range of actions and behaviours that can create a risk to the health and safety of employees. These may include personal intimidation, verbal abuse, physical assault, coughing or spitting on a person, 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 incidents that occur away from work, but are a result of work.
8. Occupational violence in this policy refers to situations where an employee is threatened or assaulted in circumstances arising from their work by someone other than another employee. Bullying, harassment or violence between employees is addressed in the ACT Government Respect, Equity and Diversity Framework (2015) 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 and agencies must have an 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. Where the risk of occupational violence cannot be eliminated, clearly articulated response strategies must be included in any plan.
11. 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.
12. Any attempts to manage occupational violence in the workplace are subject to relevant laws. Occupational violence experienced may also be of sufficient severity or concern to constitute reporting the incident(s) to the ACT Police and/or WorkSafe ACT in addition to following internal procedures.

RESPONSIBILITIES

A) DIRECTORS-GENERAL, DEPUTY DIRECTORS GENERAL OR EQUIVALENT AND AGENCY HEADS

- Must, as part of work health and safety due diligence, ensure that physical and psychological risks of occupational violence 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) EXECUTIVE AND MANAGERS

- 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) EMPLOYEES

- Work to ensure the health and safety of themselves and others in the workplace;
- Must seek to prevent occupational violence by following all risk management strategies and procedures to prevent or minimise the likelihood of events occurring; and

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

LEGISLATIVE REFERENCES

This policy will be delivered with consideration to:

- [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](#)

RELATED SOURCES

This policy will be delivered with consideration to:

- [Work Health Safety and Wellbeing Policy](#)
- [Respect, Equity and Diversity Framework](#)
- [ACT Public Sector – Reasonable Adjustment Policy](#)
- [Standards for Records and Information Governance](#)
- [Information and privacy policies](#)
- [Mental Wellbeing Policy](#)
- [Reporting of Work Health and Safety Incidents Policy](#)
- [Model Code of Practice: Managing Psychosocial Hazards at Work](#)

REVIEW

The Policy will be reviewed after three (3) years unless earlier review is required.

APPROVAL AUTHORITY

This policy is approved by Deputy Director General, Office of Industrial Relations and Workforce Strategy as the delegate for the Head of Service

DATE. 6 June 2023

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