

Workplace Bullying and Occupational Violence

1. Purpose

The purpose of this procedure is to provide all employees with a healthy and safe work environment free from bullying and occupational violence. Bullying can harm a person's health and wellbeing and is not an acceptable part of our work culture. Occupational violence is defined as any incident where an employee is physically attacked or threatened in the workplace.

2. Scope

This policy applies to all employees at all workplaces within City of Greater Shepparton and is not intended to diminish an employer's managerial prerogative to direct and control how work is done. For example, this policy does not cover situations where an employee has a grievance about legitimate and reasonable performance management issue, disciplinary action or allocation of work in compliance with systems.

3. References

1. Occupational Health and Safety Act 2004
 2. WorkSafe Workplace Violence and Bullying – June 2005
 3. Council's Harassment Policy.
 4. Council's Harassment Procedure.
 5. Equal Opportunity Act 1995
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4. Responsibilities

Managers/Supervisors

Managers/Supervisors are responsible for ensuring that no one in their workgroup is bullied, threatened or physically hurt and must take measures to ensure that employees who make complaints, or witnesses are not victimised.

Workplace bullying and occupational violence create an unsafe working environment and risks to the health of employees. Therefore, employers have a duty under section 21 of the OHS Act 2004 to ensure, so far as is practicable, risks to health and safety from bullying and occupational violence in the workplace are eliminated or reduced. This duty applies to situations of workplace bullying and occupational violence that is reasonably foreseeable.

Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. Managers /Supervisors are responsible for:

- Identifying all potential risk factors in their areas (Risk Assessments).
- Implement risk control measures to eliminate or reduce risk.



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- Encouraging staff to report and discuss incidents of workplace bullying and occupational violence incidents as they arise through regular staff consultation.
- Ensuring no one in their workgroup is bullied, threatened or physically hurt.
- Ensure that employees who make complaints, or witnesses are not victimised.
- Implement a risk management approach to identify hazards associated with occupational violence, assess the risk posed by those hazards and implement appropriate risk controls.

Managers/Supervisors must ensure that employees exposed to workplace bullying or occupational violence are given immediate support from one or more of the following:

- Provide first aid/medical treatment, where required
- Offer access to Employee Assistance Program
- Provide counselling/follow up support and ongoing counselling if required
- Human Resources Department
- Harassment Officer (in relation to bullying complaint)
- Mediation, conciliation services of Employee Assistance Program
- Council's Grievance Procedure

Employees

Employees shall conduct themselves in a professional manner and to treat each other with dignity and respect and strongly encourages all employees to report any incidents of workplace bullying or violence. Employees will be provided with training and information so they are empowered to take responsibility to ensure all incidents of workplace bullying are reported and appropriately responded to.

All employees have duties under Section 25 of the OHS Act to take reasonable care of their own health and safety, and the health and safety of others. Employees must cooperate with any action taken by their employer to comply with the OHS Act.

Section 25 of the OHS Act, also prohibits employees from wilfully or recklessly interfering with, or misusing, anything provided in the interests of health and safety. In addition, employees must not wilfully place at risk the health and safety of any person in the workplace. If an employee bullies or attacks another employee, it is likely to amount to a breach of section 25.

6. Reporting

Should unacceptable behaviour occur, employees have a right to report the situation and are encouraged to do so. Potential complainants and witnesses should be assured that they are entitled to protection from any victimisation taken against them as a result of their complaint. Victimisation or reprisal by any employees involved in the case will not be tolerated and will result in appropriate action. Any findings of misconduct against any staff



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member/s will result in disciplinary action.

The formal process for reporting workplace bullying is outlined as follows:

An employee may make a complaint of harassment - *either verbally or in writing* - to:

1. **Their immediate Supervisor or Manager**
 Their Director
 Human Resources Manager
 Harassment Contact Officer (HCO)
 CEO
2. **When a complaint or allegation of harassment is received by any person, he/she must treat the complaint or allegation seriously and act immediately on that complaint or allegation.**
3. **All complaints should immediately be referred to a Harassment Contact Officer (HCO).**
4. **The complainant may also be advised to contact the EAP for advice and support.**

7. Definitions

Bullying

Workplace bullying is defined as repeated, unreasonable behaviour directed towards an employee, or group of employees that creates a risk to the worker, health, safety and well being and is directly related to the workplace.

Bullying differs from harassment and assault in that the latter can result from a single incident or small number of incidents – whereas bullying tends to be an accumulation of incidents over a long period of time.)

Within this definition:

- (a) **“Unreasonable Behaviour”** means behaviour that a reasonable person, having regard to all circumstances, would expect to victimise, humiliate, undermine or threaten.
- (b) **“Behaviour”** includes actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.
- (c) **“Risk to health”** includes risk to the mental or physical health of the employee.

Types of behaviour where repeated or occurring as a pattern of behaviour would be considered bullying include:



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- Verbal abuse
- Excluding or isolating employees
- Psychological harassment
- Intimidation
- Assigning meaningless tasks unrelated to the job
- Giving employees impossible tasks
- Deliberately changing rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance

Violence

Any incident where an employee is physically attacked or threatened in the workplace. Violence can come from:

- ◆ a co-worker (including a supervisor, manager or employer);
- ◆ a customer or client;
- ◆ a person known to the organisation or employee; and
- ◆ a stranger.

Violent situations at work can be categorised into the following area:

Dissatisfaction with a service:

Generally experienced by staff providing a social service as well as staff having direct and indirect people contact.

Disturbed People:

Violence by disturbed people includes violence committed by those with a mental or intellectual impairment.

Occupational Violence:

Occupational violence refers to violence occurring between people in a particular workplace. It may include bullying, intimidation, abuse of power, isolation, alienation of workers or simply poorly managed conflicts of opinions. This type of violence is difficult to define due to a person experiencing it may be unwilling to reveal it.

Violence motivated by gain:

Violence motivated by gain includes act of violence committed to improve the offender's material situation. It may be motivated by the wish to gain money, drugs or valuable goods.

8. Related Documents

1. Section 4.16 Dealing with Threats to Staff
2. Council's Disciplinary Policy
3. Council's Harassment Policy
4. Council's Harassment Procedure
5. Harassment and Discrimination



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9. Attachments

1. Occupational Violence Prevention



Occupational violence prevention – PS&CS Inspector guide

1 Purpose

This document is designed to assist WorkSafe inspectors to form an opinion as to whether an organisation is controlling, so far as is practicable, the risks to employees caused by occupational violence and aggression from clients/members of the public. Comment lines appear below many of the questions in this document. These are provided for inspectors to cite evidence that demonstrates an action has been determined and/or undertaken.

2 Background

Occupational violence/aggression can be categorised in a number of ways according to the source/perpetrator of the violence. This check list applies to:

- client-initiated occupational violence (where a client¹ or client's family member/friend can be the source/perpetrator);
- intrusive occupational violence (where a member of the public can be the source/perpetrator).

Note: The WorkSafe Victoria definition of occupational violence and a description of key risk factors relating to each of these hazards are outlined in Appendix A.

Note: this guide does not apply to situations of employee to employee or worker to worker occupational violence.

¹ Client includes people who: have a commercial relationship with an organisation; are in the care or custody of an organisation; must legally submit to inspection by an organisation; use or are seeking to use the services of an organisation.



3 Consultation

- 3.1 Is there a consultation process in place in relation to addressing occupational violence issues? **Yes No**
- 3.2 Has consultation with health and safety representatives and employees been included in risk management processes for addressing occupational violence? **Yes No**

4 Hazard Identification

4.1 Has the potential for occupational violence or aggression been identified²? **Yes No**
(eg: physical assaults; threats; punching; kicking...)

4.2 What hazards have been identified?

4.3 Have there been any previous incidents, near misses or claims?

Yes	<hr/> <hr/>
No	<hr/> <hr/>

² Note – the OHS Act (2004) does not require hazard identification



4.4 Has general or industry-specific guidance or knowledge on occupational violence been referred to in identifying hazards in the workplace?

Yes	_____

No	_____

5 Risk assessment

5.1 Has an assessment of the risks of occupational violence and aggression to employees been undertaken? **Yes No**

5.2 Is there a written record of the risk assessments³? **Yes No**

5.3 In conducting the risk assessment have the factors listed below been considered?

- how likely it is that an act of violence will occur
- how severe the impact of such an act of violence may be
- previous experience of incidents of occupational violence or aggression
- which employees might be exposed to occupational violence/aggression & under what circumstances
- the availability of drugs, cash or valuables
- the physical layout and environmental conditions (including uncontrolled work environments⁴)

5.4 What are the risks to health and safety of employees if these circumstances arise?

³ Note – the OHS Act (2004) does not require written records of risk assessments.

⁴ Uncontrolled work environments can be defined as workplaces which preclude the ability to achieve results with the standard safety options of redesigning the work arena. In uncontrolled environments employers must assume higher risk potential and occurrence of injury and be better prepared to safeguard employees.



6 Risk control

6.1 Is there a written policy in relation to violence and aggression against employees from clients/members of the public⁵?

Yes	_____

No	_____

Principles - policies

A good policy will have been developed in consultation with health and safety representatives, employees and relevant stakeholders such as clients.

What to look for in an occupational violence/aggression policy:

- CEO/senior level commitment
- employees are encouraged to report hazards, incidents and near misses
- a definition of & acknowledgement of the hazard
- statement that occupational violence is unacceptable
- organisational commitment to prevent and manage occupational violence and aggression
- statement about the responsibilities and accountabilities of staff
- statement about support for employees who have been involved in violent/aggressive incidents

⁵ Note – the OHS Act (2004) does not require written policies.



6.2 Physical workplace layout and environmental conditions

6.2.1 Has action in relation to the physical environment been determined and implemented?

Yes	<hr/> <hr/> <hr/>
No	<hr/>



Principles - physical environment

The physical environment may affect the likelihood of violent incidents and the ease with which people can respond to them. Where new design, alteration or upgrading of work areas or equipment is planned, environmental factors should be taken into account, and included in an organisation's purchasing practices.

The following environmental factors should be addressed in risk control plans:

- the overall environment in which service/s is delivered eg: day care; residential; respite; outreach; home visiting; secure units; client transportation

- public access

- lighting (both internal & external)

- signage

- waiting rooms and reception areas

- security systems/measures/screening

- size of unit/facility

- access, egress & escape routes

- safe room/place to retreat for employee & other client safety

- communication/alarm systems and facilities – are adequate, regularly tested and maintained

- how staff move between working areas, parking lots & transport

In 'at risk' areas the factors below should be part of an environmental audit and control plan:

- facility has safe glass only, eg: laminated, toughened, perspex (including picture frames, mirrors etc.)

- clients do not have access to dangerous implements

- no ready access to cash/drugs or valuables for members of the public

- no access to objects that could be used as projectiles

- work practices keep desks clear of objects which could be used as weapons or missiles

- furniture and partitions arranged to prevent entrapment of employees

- at risk areas designed to keep chairs & other furniture from being used as weapons



6.2.2 In relation to the workplace layout and environmental conditions, has advice been sought from suitably qualified persons taken place (eg: architects, ergonomists, security consultants, police, CPTED⁶ experts)?

Yes	_____

No	_____

6.2.3 Where risk control measures include security devices, is there a program for periodic servicing, testing and maintenance to ensure they continue to work effectively? (eg: duress alarms; communication devices; CCTV; automatic lock-out devices)

Yes	_____

No	_____

6.2.4 Do any employees perform their duties in uncontrolled work environments? **Yes No**

If yes, detail categories of employees & situations where work is performed in uncontrolled work environments

⁶ CPTED – Crime Prevention Through Environmental Design – for information on CPTED, see Appendix B.



6.3 Clients – operational procedures and work systems

6.3.1 Does the organisation's approach to risk control for occupational violence include specific strategies/procedures for managing clients/and or members of the public?

Yes	_____

No	_____

6.3.2 Do operational procedures and/or work systems provide the following?



- a documented process for client compatibility & suitability assessment – (this may include where appropriate, criteria for clients not be accepted)

 - method/s for intake assessment of client which include screening for aggression/violence

 - protocols for regular handover and information exchange with staff, other agencies, carers and service providers

 - a reporting system that is used for the recording of incidents and near misses involving clients & examining triggers etc.

 - work practices evaluated to assess if service delivery methods contribute to client hostility

 - appropriate record keeping Yes No
- operational procedures for work performed in uncontrolled environments

 - identification of risk behaviour and triggers

 - planned & structured activities for clients

 - procedures to review behaviour and treatment programs

 - Where client is known to have predisposition to aggression, a management plan is in place that has been developed in consultation with appropriately qualified people Yes No
 - policy re provision of regular & ongoing treatment of clients considered aggressive or abusive eg: Behavioural contracts (a statement developed by the treatment facility signed by reps of the facility and the patient. It sets out the basis on which the client will be treated or continue to receive treatment) Yes No



6.4 Employees/staffing

6.4.1 Does the risk control plan/organisation's approach to risk control for occupational violence include specific action to be undertaken in relation to employees who are exposed to occupational violence and aggression?

Yes	_____

No	_____

Principles – staffing

Issues in relation to staff exposure to occupational violence need to be managed comprehensively. All categories of staff need to be considered. eg:

- Reception and administrative
- Community based
- Direct care staff
- Domiciliary care
- Residential care
- Day care
- Volunteers
- Managerial
- Agency, casuals and temporaries
- Students
- Drivers

Factors that the organisation's approach to risk control in relation to staff should cover:

- Rostering and staffing ratios, eg: ratio of staff to clients should be adequate for the level of care needed & also take into account range of required activities (such as: peak periods; transfers; meal times, night work; sleep overs; emergency responses; acute care/crisis; respite)
- Skill level, training and experience appropriate for duties
- Where possible staff should be permanent or regular employees who are known to the clients and workplace
- Capacity to rotate staff into alternate duties to reduce exposure
- Procedures and back up for staff working alone or in isolation
- Regular support & supervision

6.4.2 Is there a process for determining staffing levels in 'at risk' areas?

Yes	_____



No	_____

6.5 Training - Has the organisation determined and implemented action/s in relation to training for employees?

Yes	_____

No	_____

Principles – training

People who work with particularly violent or aggressive people need specialist training to help them work as safely as possible. The organisation should consider the training needs of all workers, and undertake a training needs assessment and review.

Employers need to identify appropriate levels of training in relation to violence for all staff (see list in section 6.4.1). Employers should also ensure that retraining and reinforcement are included within their training plans.

Examples of training that may be relevant include:

- Induction in all aspects of occupational violence prevention prior to commencement of placement in high risk job

- Violence prevention/management such as:

- Understanding client condition/ disability/triggers/care & behaviour management plans
- De-escalating aggression/challenging behaviour
- Addressing challenging behaviour
- breakaway techniques
- restraint techniques (including legal issues)

- situational risk assessment (workers visiting homes) which is designed to assess the risk of violence presented by clients/patient to be visited
- communication skills - to improve face to face interactions with clients & their family members/friends
- workplace policy & procedures (including emergency response)



7 Incident management procedures & systems

7.1 Does the organisation have incident management systems or procedures in place which include the following?

Principles – incident management

- Emergency and evacuation plans
- Critical Incident Stress Management (provided by professional, in confidence, at no cost to employee, within 48 hours of incident)
- Staff supervision and debriefing
- Access to post-incident counselling
- Post incident reporting mechanisms;
- Reporting to police
- Timely incident analysis and investigation
- Remedial actions where systems have failed to work (which include timeframes and accountabilities) both within that workplace and other workplaces if similar risks exist
- Policy to determine actions and/or sanctions to be taken in relation to the client/s involved in the incident/s
- Post incident feedback to staff and other agencies (eg: police, agencies involved in direct care of perpetrator)

Yes	_____
No	_____



7.2 Do the organisations' incident management systems or procedures cover the following?

Principles – incident management policies & procedures

A response system needs to be in place that addresses: immediate safety, medical treatment; internal reporting; and notifications as required to external agencies (eg: police, WorkSafe Victoria). An organisation's policies & procedures for responding to incidents should:

- describe the circumstances in which they should be followed
- describe the role of individual workers
- nominate a position to co-ordinate response action
- set out any circumstances in which physical intervention is necessary
- include arrangements in some settings for ensuring that a control and restraint team is identified and available at all times if required by the risk assessment
- include criteria for calling the police, contact numbers & easy access to telephones
- give clear guidance on recording and reporting procedures for the full range of incident types
- include provision, testing and maintenance of communication devices
- include emergency drills

8 Review and audit

8.1 Does the organisation regularly check/monitor prevention measures to ensure that they are effective and working?

Yes	_____

No	_____



Principles – review & audit

Reviews should occur at regular times, including:

- after incidents
- when there have been significant changes in the work environment or function
- if staff (or health and safety representative) feedback indicates that controls are ineffective
- placement of a new client
- the physical environment

A review or audit can include examining:

- work functions & tasks
- job descriptions;
- consultation processes
- issue resolution procedures
- risk control measures

A review might lead to:

- changes to the workplace/environment (and to other workplaces under the control of the employer)
- changes to working procedures
- new working procedures
- additional training requirements

8.2 Where control measures are reviewed, who conducts a review and how often is it undertaken?

8.3 Are reviews/audits and their recommended actions documented?

Yes	<hr/> <hr/> <hr/>
No	<hr/> <hr/> <hr/>



Appendix A

Definition of occupational violence:

Occupational violence is defined as any incident where an employee is physically attacked or threatened in the workplace.

Within this definition:

“threat” means a statement or behaviour that causes a person to believe they are in danger of being physically attacked

“physical attack” means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety.⁷

1 risk factors⁸

1.1 Client-initiated occupational violence

Key job/task related risks:

- providing care to people who are: in distress; afraid; ill; or incarcerated
- relating to people who have: a great deal of anger; resentment; feelings of failure; or unreasonable expectations of what an organisation and/or worker can provide them
- carrying (or having access to) drugs
- handling cash or valuables

The above-mentioned risks can be compounded by:

⁷ *Guidance Note on the Prevention of Bullying and Violence at Work, WorkSafe Victoria, 2003*

⁸ *Source: Mayhew C. & Chappell D., (2001), Occupational Violence: Types, Reporting Patterns, and Variations between Health Sectors, Taskforce on the Prevention and Management of Violence in the Health Workplace, Discussion Paper No. 1*



- the client being intoxicated or under the influence of drugs
- certain behavioural and/or psychiatric conditions
- difficulties with communicating

A tendency to violence in a client can be exacerbated by:

- unwelcome and coercive treatment
- anxiety
- overcrowding
- inadequate environmental design
- refusal of a preferred service
- prolonged and untreated pain
- misconceptions where language or cultural traditions vary
- waiting

1.2 External or intrusive occupational violence

Key business related risks:

- working alone or in isolated area/s
- few workers on site
- evening or night work
- face to face communication with customers
- working where money, drugs or valuables are kept

The above-mentioned risks can be compounded by:

- the business being located in a high crime area
- minimal protection for workers
- restricted observation by passers-by
- ready access for get away
- number of possible exits from site



Appendix B

Crime prevention through environmental design (CPTED)

Crime Prevention Through Environmental Design uses aspects of environmental design to discourage criminal activities including violence. It involves design or re-design of building interiors and surrounding areas so that risks are minimised. This kind of action requires one-off financial investment which over time can be cost-effective compared with other crime prevention programs. The approach is based on the following underlying principles:

Natural Surveillance

Natural surveillance is based on ensuring that intruders are easily observable. Surveillance is the ability to look into an area and the ability to look back out, it can be formal or informal. Surveillance strategies are aimed at keeping intruders under observation and undesirable behaviour under control. Any architectural design that enhances the chance that a potential offender will be or might be seen is a form of natural surveillance. Increasing visibility is a deterrent. It is promoted by features that maximize visibility of people, parking areas and building entrances, such as: proper placement of doors and windows; adequate lighting; and removal of obstructions to enhance sightlines.

Natural Access Control

Also known as target hardening, it makes access to specific areas difficult. Natural Access Control strategies are intended to deny access to crime targets and create a perception of risk in potential offenders. It is gained by designing streets, sidewalks, building entrances and neighbourhood gateways to clearly indicate public routes and discouraging access to private areas with structural elements.



Territorial Reinforcement

Physical design can create or extend a sphere of influence. Territorial reinforcement should demonstrate a sense of ownership, alerting potential offenders that they don't belong in that space and that they are likely to be seen and reported. Territorial reinforcement is promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments and fences. Ongoing maintenance and housekeeping are key aspects of territorial reinforcement, they demonstrate that the owners care about the space & will defend it against crime.