



Department	Agency Wide	Policy Number:	Prompt Doc No: UMH0000126
Responsible Officer:	Maxine Brockfield	Approving Committee:	Work Health & Safety
Date Approved:	04/06/2013	Date of Review:	30/06/2015

WHISTLEBLOWERS PROTECTION

<u>Policy Statement</u>	<u>Purpose & Scope</u>	<u>Definitions & Abbreviations</u>
<u>Legislation, Acts & Standards</u>	<u>References</u>	<u>Key Aligned Documents</u>

Policy Statement

Upper Murray Health & Community Services is a safe workplace free from risk of injury when they are at work. Any behaviour which is considered to constitute a workplace violence, sexual harassment, racial abuse or bullying will not be accepted or tolerated by staff at Upper Murray Health & Community Services under any circumstances. Reports of such will be treated seriously and sympathetically, and will be investigated confidentially and thoroughly.

Policy Applies To

All staff, volunteers, board members, contractors, clients and patients.

Purpose & Scope

The workplace is free from violence and all forms of harassment, racial abuse and bullying

- UMHCS encourages reporting of any behaviour which is considered to constitute workplace violence, sexual harassment, racial abuse or bullying.
- Reporting can take various forms. UMHCS encourages staff to report the behaviour as soon as possible to the department head/ service coordinator on duty at the time or, to another department head, CE/DON or any senior manager as soon as convenient (Criminal Acts require the incident to be reported police. (Refer to summaries of the Crimes Act 1959 Vic attached).
- Seek medical attention if necessary
- Staff are encouraged to seek support to complete an incident report stating a record of the incident/s and attach any evidence such as emails, notes, pictures, photos etc.
- If the situation is one where you feel you are at immediate risk of injury at work you can refuse to work in this dangerous situation. The OHS Act gives you the right to refuse to work where you believe you are in immediate danger.
- No person who makes a complaint or who is witness to a complaint will be victimised
- The role of the department head/ supervisor or support person is to listen to the complainant and discuss with the complainant options available to deal with the conflict
- All discussions are confidential and no action will be taken with or on behalf of the complainant unless authorised by the complainant
- Procedural fairness will be given to the complainant
- UMHCS Performance Management and Disciplinary Procedure describes a range of responses relevant to the event.
- Being involved in a disciplinary process, whilst stressful, cannot in itself, give rise to a Work cover claim relating to stress. Where service coordinators and senior managers implement disciplinary processes consistent with the health services policy and procedure, it does not constitute with the health services policy and procedure, it does not constitute bullying or harassment.

- Some instances can be unlawful in respect of criminal law, the OH&S Act, and the Equal Opportunity Act. In these instances the complainant will be supported to report and take appropriate action.
- Racial abuse is an unlawful form of discrimination requiring a different form of response. Please refer to the OHS Act and the Antidiscrimination Act in relation to a 'remedy'.
- Workplace violence and bullying are considered as occupational harassment, there may be eligibility to make a Workcover claim.

Definitions & Abbreviations

Intentionally or recklessly causing serious injury (Sections 16 and 17)

These sections cover behaviour that is either reckless (with disregard to the outcome) or intentional (means to have the outcome) and causes serious injury to the victim.

Intentionally or recklessly causing injury (Section 18)

This section covers behaviour that is either reckless or intentional and causes injury to the victim.

Threats to kill (Section 20)

This section covers threats that intentionally put a person in fear that the threat to kill would be carried out. It also covers threats to kill where the threats are reckless as to whether or not the person feared the threat would be carried out.

Threats to inflict serious injury (Section 21)

This section covers threats that intentionally put a person in fear that the threat to inflict serious injury would be carried out. It also covers threats to inflict serious injury where the threats are reckless as to whether or not the person feared the threat would be carried out.

Stalking (Section 21A)

Stalking is engaging in a course of conduct (occurring more than once) toward a victim, or any other person, which includes any of the following conduct:

- Following, phoning, sending electronic messages (e.g. emails)
- Entering or loitering outside their place of residence or business or any other place regularly frequented
- Interfering with their property
- Giving offensive material or leaving it where it will be found by, or given to, the person or brought to their attention
- Surveillance
- Acting in any other way that could reasonably be expected to arouse apprehension of fear.

Conduct Endangering Life (Section 22)

Conduct endangering life is behaviour that places or could place, another person in danger of death. This section also covers behaviour that is reckless.

Conduct Endangering Persons (Section 23)

This section covers behaviour that recklessly places, or may place, another person in danger of serious injury.

Assaults (Section 31)

An assault under this section of the Crimes Act is “the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force is... with intent to inflict, or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty and results in the infliction of any such consequence” (Section 31 (2))

An application of force in this section of the Act includes applying heat, light, electric currents or any form of energy and the application of matter in solid, liquid or gaseous form. The concept of assault in the Crimes Act includes threatened assault. It also covers behaviour that is either reckless or intentional.

All forms of occupational violence are reported and managed, which will create a safe work environment

Legislation, Acts & Standards

- OH&S Act Victoria 2004
- OH&S Regulations 2007
- Equal Opportunity 2010
- Sexual Discrimination 1984
- Worksafe Victoria 2005
- VHIA 2006
- QICSA Standard Reference: 1.3

References

- OH&S Act Victoria 2004
- OH&S Regulations 2007
- Equal Opportunity 2010
- Sexual Discrimination 1984
- Worksafe Victoria 2005
- VHIA 2006

Key Aligned Documents

Governance

Version Control and Change History		
Version Number	Approval Date	Amendment
2.0	15/04/2014	Put into new format



Department	Agency Wide	Procedure Number:	Prompt Doc No: UMH0000126
Responsible Officer:	Maxine Brockfield	Approving Committee	Work Health & Safety
Date Approved:	04/06/2013	Date of Review:	30/06/2015

BULLYING, HARASSMENT AND WORKPLACE VIOLENCE

<u>Description</u>	<u>Purpose and Scope</u>	<u>Definitions & Abbreviations</u>	<u>Procedure Standards</u>
<u>Legislation, Acts & Standards</u>	<u>Key Aligned Documents</u>	<u>References</u>	<u>Governance</u>

Description

The procedure defines various forms of violence, harassment, abuse and bullying. It informs staff of their rights and where to go for help. The procedure applies to events that take place, and take place between:

- An employee and their manager/ supervisor
- Co-workers
- An employee and other persons in the workplace.

Procedure Applies To

All staff, volunteers, board members, contractors, clients and patients.

Purpose and Scope

The workplace is free from violence and all forms of harassment, racial abuse and bullying

- UMHCS encourages reporting of any behaviour which is considered to constitute workplace violence, sexual harassment, racial abuse or bullying.
- Reporting can take various forms. UMHCS encourages staff to report the behaviour as soon as possible to the department head/ service coordinator on duty at the time or, to another department head, CE/DON or any senior manager as soon as convenient (Criminal Acts require the incident to be reported police. (Refer to summaries of the Crimes Act 1959 Vic attached).
- Seek medical attention if necessary
- Staff are encouraged to seek support to complete an incident report stating a record of the incident/s and attach any evidence such as emails, notes, pictures, photos etc.
- If the situation is one where you feel you are at immediate risk of injury at work you can refuse to work in this dangerous situation. The OHS Act gives you the right to refuse to work where you believe you are in immediate danger.
- No person who makes a complaint or who is witness to a complaint will be victimised
- The role of the department head/ supervisor or support person is to listen to the complainant and discuss with the complainant options available to deal with the conflict
- All discussions are confidential and no action will be taken with or on behalf of the complainant unless authorised by the complainant
- Procedural fairness will be given to the complainant
- UMHCS Performance Management and Disciplinary Procedure describes a range of responses relevant to the event.
- Being involved in a disciplinary process, whilst stressful, cannot in itself, give rise to a Work cover claim relating to stress. Where service coordinators and senior managers implement

disciplinary processes consistent with the health services policy and procedure, it does not constitute with the health services policy and procedure, it does not constitute bullying or harassment.

- Some instances can be unlawful in respect of criminal law, the OH&S Act, and the Equal Opportunity Act. In these instances the complainant will be supported to report and take appropriate action.
- Racial abuse is an unlawful form of discrimination requiring a different form of response. Please refer to the OHS Act and the Antidiscrimination Act in relation to a 'remedy'.
- Workplace violence and bullying are considered as occupational harassment, there may be eligibility to make a Workcover claim.

Definitions & Abbreviations

Procedure Standards

Workplace Violence

Is any incident where an employee is physically attacked or threatened in the workplace.

Workplace violence includes:

- Someone threatening to hurt you
- Objects being thrown at you
- Pushing, shoving, punching, kicking
- Being inappropriately touched and any other type of indecent physical contact
- Racial abuse
- Unwelcome sexual comments

All these are examples of workplace violence and some of these are also crimes.

Workplace Bullying

Is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. All sorts of behaviour can be bullying. Below are just some examples:

- Practical jokes
- Being sworn at
- Someone insulting you
- Being excessively supervised
- Being constantly criticised
- Being put down in public
- Rumours being spread about you
- Being overloaded with work or not given enough work to do
- Not getting the information you need to do your job
- Being ignored or not spoken to by other workers
- Your personal effects or work equipment being damaged
- Being threatened with the sack

Sexual Harassment

Is unwelcome conduct or behaviour of a sexual nature. Unwelcome conduct means that you didn't invite the conduct or behaviour. Sexual harassment is also behaviour that offends, humiliates,

intimidates or undermines you. It can be a single incident, or repeated behaviour. There are two laws that operate in Victoria and provide employees with protection from sexual harassment. They are the Equal Opportunity Act 1995 (Vic) and the Sex Discrimination Act 1984 (Cwlth). These laws make sexual harassment unlawful. All sorts of behaviour can be sexual harassment. Below are just some examples:

- Name calling (e.g. slut, bitch, poof...)
- Asking personal questions (e.g. Do you have a boyfriend? Did you have sex on the weekend? Do you like sex?)
- Brushing up against someone, kissing you, touching you
- Asking you for sex
- Indecent assault
- Showing you pornography, or leaving it where you will see it

Remember- what is important is what has offended, humiliated or intimidated you. Under the law, the motive (intention or reason) or the harasser, or person discriminating against you, is irrelevant. Just because some behaviour may be tolerated by others in your workplace does not mean you have to put up with it. Under the law, the motive behind any harassment, or unlawful discrimination against a person is irrelevant. Other offensive forms of sexual harassment may include:

- Display of pornographic materials
- Consistent talk about sex
- Crude conversation and jokes
- Sexual innuendo

Racial Abuse

Is a form of unlawful discrimination. Abusing someone because of their ethnic or racial origin is unlawful under the Victorian Equal Opportunity Act 1995 and the Federal Racial Discrimination Act 1975. Because racial abuse is an unlawful form of discrimination, you can make a complaint under either of the laws to get a “remedy”.

Legislation, Acts & Standards

- OH&S Act Victoria 2004
- OH&S Regulations 2007
- Equal Opportunity 2010
- Sexual Discrimination 1984
- Worksafe Victoria 2005
- VHIA 2006
- QICSA Standard Reference: 1.

Key Aligned Documents

References

- OH&S Act Victoria 2004
- OH&S Regulations 2007
- Equal Opportunity 2010
- Sexual Discrimination 1984
- Worksafe Victoria 2005

- VHIA 2006

Governance

Version Control and Change History		
Version Number	Approval Date	Amendment
2.0	15/04/2014	Put into new format