

Ministerial Staff

# Workplace Bullying and Occupational Violence Prevention Policy

July 2022



Office of  
the Premier

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## 1. Introduction

- 1.1. The purpose of this policy is to outline the proactive approach to ensuring a safe work environment free from bullying and intimidation.
- 1.2. The Premier's Office is committed to providing a values-based culture where every individual is treated with dignity and respect, and to providing a safe environment that is free from risks to health and safety, and is free from discrimination, harassment, and bullying.
- 1.3. We recognise that each employee brings unique capabilities, experience, skills, knowledge, and personal characteristics to work and encourage all staff to contribute to the success of the Government regardless of their background.

## 2. Purpose and application of this policy

- 2.1. This policy applies to all Ministerial Staff (**Ministerial Staff**).
- 2.2. The purpose of this policy is to outline the expectations of Ministerial Staff in ensuring a safe work environment free from workplace bullying and occupational violence.
- 2.3. It is expected that every individual in the workplace is treated fairly and with dignity and respect. Workplace bullying or occupational violence will not be tolerated in any circumstances.

## 3. What is workplace bullying?

- 3.1. Workplace bullying is repeated, unreasonable behaviour directed towards a person or group, that creates a risk to health and safety. Within this definition:
  - (a) 'repeated' refers to the persistent nature, or an established pattern, of a range of behaviour over time. It does not require repetition of a specific type of behaviour or specific incidents
  - (b) 'unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten
  - (c) 'behaviour' includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening; and
  - (d) 'risk to health and safety' includes risk to the mental or physical health of a person or group.
- 3.2. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:
  - (a) verbal abuse including shouting, swearing, teasing, making belittling remarks, or persistent unjustified criticism
  - (b) violence

- (c) harassment
  - (d) excluding or isolating a person or group
  - (e) psychological harassment such as intimidation
  - (f) assigning meaningless tasks to a person unrelated to the person's job
  - (g) giving a person an impossible assignment
  - (h) deliberately changing work rosters to inconvenience a particular person or group
  - (i) deliberately withholding information that is vital for effective work performance; or
  - (j) using a system of work to bully a person.
- 3.3. Workplace counselling or disciplinary action that is fair and addresses genuine performance or conduct problems is not bullying.
- 3.4. Reasonable managerial actions, including when dealing with the operational requirements of the office in which the Ministerial Staff member works, are not bullying. Examples of reasonable management action include instances of counselling, disciplining or managing the work performance of Ministerial Staff.
- 3.5. The above listed inappropriate behaviours, whether repeated or not, will also constitute misconduct under the Misconduct Policy and Procedure.

## 4. What is occupational violence?

- 4.1. Occupational violence is defined as any incident where a person is physically attacked or threatened in the workplace. Within this definition:
- (a) 'threat' means a statement or behaviour that causes a person to believe they are in danger of being physically attacked; and
  - (b) '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.
- 4.2. Occupational violence covers all forms of physical attacks on a person in the workplace.
- 4.3. The Premier's Office recognises that occupational violence can arise between colleagues, and by stakeholders, contractors and the public. The heightened risk of verbal and physical aggression directed at Ministerial Staffers in public facing roles is also recognised, for example Operations Teams and Advance Teams being subject to verbal abuse or verbal and physical aggression when contacted by the public, or during public-facing events.

## 5. Expected standards of behaviour

- 5.1. Ministerial Staff are expected to observe the following minimum standards of behaviour, including:
- (a) being polite and courteous to others
  - (b) being respectful of the differences between people and their circumstances

- (c) compliance with the Ministerial Staff Code of Conduct
- (d) ensuring they do not engage in workplace bullying or occupational violence. This standard of behaviour is expected of Ministerial Staff whether they are dealing with colleagues, supervisors, managers, the public service, stakeholders or any other individual in connection with their duties
- (e) ensuring they do not assist or encourage others in, or in connection with, the workplace to engage in workplace bullying or occupational violence
- (f) reporting any workplace bullying or occupational violence, whether experienced personally or witnessed against others in, or in connection with, the workplace in line with the Ministerial Staff Complaint Resolution Policy and Procedure
- (g) participating in any complaint resolution process (where requested to do so), which may include an investigation, undertaken in accordance with the Ministerial Staff Complaint Resolution Policy and Procedure or otherwise taken in response to, or connection with, allegations of workplace bullying or occupational violence; and
- (h) keeping information confidential, or otherwise treating information as directed, arising from any complaint resolution process undertaken in relation to allegations of workplace bullying or occupational violence.

5.2. These standards of behaviour are intended to operate in addition to, and in conjunction with, the Ministerial Staff Code of Conduct.

## 6. Dealing with workplace bullying and occupational violence

6.1. Any Ministerial Staff member who feels that they have been subjected to workplace bullying or occupational violence, or who feels that someone else is being subjected to workplace bullying or occupational violence should immediately:

- (a) follow any relevant protocols or procedures that are in place (eg emergency and duress procedures, notify police, etc);
- (b) report the incident in accordance with the Ministerial Staff Complaint Resolution Policy and Procedure, as appropriate;
- (c) refer to the employee supports set out in this Policy; and/or
- (d) if the occupational violence is by a person who is not a Ministerial Staff member (including members of the public), immediately report the incident to the General Counsel or their delegate.

## 7. Support for Ministerial Staff

7.1. A range of options are available to provide support regarding occupational violence, bullying and harassment. Ministerial staff are encouraged to contact the General Counsel or their delegate as the primary contact.

## Employee Assistance Program (EAP)

- 7.2. All Ministerial staff (and their immediate family) have access to the EAP, which provides for a limited number of counselling sessions at no cost to the employee and can be provided over the phone or face-to-face.
- 7.3. Managers and supervisors can access Manager Assist through the EAP, to help with workplace issues.
- 7.4. The EAP provider is Converge International and can be contacted on 1300 687 327.

## External support

- 7.5. Complaints of discrimination or harassment can also be lodged with the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal and in some circumstances, WorkSafe Victoria, Fair Work Commission, or the Australian Human Rights Commission.
- 7.6. If the complaint appears to be a criminal offence, the complainant and/or the Premier's Office may report the matter to Victoria Police.
- 7.7. Ministerial Staff may also wish to access other support services, such as The Centres Against Sexual Assault.
- 7.8. Ministerial Staff may also wish to contact their union for representation and support.

## 8. Violation of this policy

- 8.1. Ministerial Staff who engage or are involved in workplace bullying or occupational violence will be subjected to disciplinary action which may include termination of employment. Complaints of inappropriate behaviour may be made under the Complaint Resolution Policy and Procedure and proceed to a formal process under the Misconduct Policy and Procedure.
- 8.2. As set out in the Misconduct Policy and Procedure, when considering any allegation of bullying or occupational violence, the complainant and respondent will be:
  - (a) treated fairly and respectfully; and
  - (b) allowed a reasonable opportunity to respond to any allegations made against them before any report is finalised and a final decision is made.
- 8.3. A substantiated complaint of bullying or occupational violence may result in a number of outcomes against an employee, up to and including termination of employment.

## 9. Further information

### Related legislative and regulatory instruments

- Occupational Health & Safety Act 2004 (Vic)
- Fair Work Act 2009 (Cth)
- Ministerial Staff Collective Agreement (Vic) 2019
- Ministerial Staff Code of Conduct
- Ministerial Staff Complaint Resolution Policy and Procedure
- Ministerial Staff Occupational Health and Safety Policy
- Ministerial Staff Misconduct Policy and Procedure

## 10. Policy management details

<b>Title and version number</b>	Ministerial Staff Workplace Bullying and Occupational Violence Prevention Policy
<b>Date of approval</b>	6 July 2022
<b>Effective date</b>	15 July 2022

For further information, or if you have any queries, please contact your Minister's Chief of Staff or the General Counsel.

Ministerial Staff are required to comply with the policies and procedures applicable to Ministerial Staff. Failure to do so may result in disciplinary action including termination.