

**Goulburn Ovens
Institute of TAFE**

Procedure no. OD6-P141

Refer Welfare and
Wellbeing Policy OD6

Title: Prevention of Occupational Violence Procedure
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Responsible Officer: Manager Safety and Wellbeing
Authorising Officer: Executive Manager Human Resources
Review: Biennial (8th July 2016)

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PREVENTION OF OCCUPATIONAL VIOLENCE PROCEDURE

1 PURPOSE

The Institute is committed to providing all employees and students with a healthy and safe work environment and also ensure that they are able to carry out their duties or tasks free from violence.

The Goulburn Ovens Institute of TAFE has an obligation to operate in accordance with the Occupational Health and Safety Act 2004.

2 SCOPE

This procedure applies to all employees and students and users of this Institute.

3 DEFINITIONS

- “Threat” means: a statement or behaviour that causes a person to believe they are in danger of being physically attacked.
- “Violence” means: any incident where a person is physically attacked or threatened in the workplace
- “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.
- “Risk to health and safety” includes: risk to the mental or physical health of the employee.
- “Repeated” refers to: the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered “repeated” if an established pattern can be identified.

4 PROCEDURE

This procedure follows the principles of OHS hazard and risk assessment and natural justice.

Hazard Assessment and Risk Control

The Manager of each work area is responsible for ensuring that an initial assessment of hazards related to violence is undertaken and that this is reviewed every two (2) years utilising the ***Bullying and Occupational Violence Risk Assessment Checklist*** and the ***Employee Security Survey***

The Manager, staff within the work area and Health and Safety Representative for that designated workgroup are responsible for developing risk controls to eliminate or reduce the risk, so far as is reasonably practicable, for identified hazards related to violence.

The Manager of the work area is responsible for ensuring that agreed risk controls are implemented.

The General Manager Finance and Infrastructure and Manager Human Resources are responsible for implementation of a system for investigation of occurrences of violence.

The Manager of the work area will review the implemented risk controls to ensure they are adequate and not causing other hazards.

The Manager of the work area is responsible for ensuring that their staff is inducted into this procedure.

The Manager Student Administration is responsible for ensuring that students are inducted into this procedure.

The Manager for the work area is responsible for ensuring that contractors are inducted into this procedures

Process following occurrence of violence in the workplace

During all proceedings the principles of natural justice must be observed. (*Note: Violence can affect individuals or groups of people.*)

An employee, student or visitor to the Institute who has been the recipient of inappropriate behaviour involving violence is required to report the incident as per the [Incident Reporting and Investigation Procedure](#).

Where a person who has been the recipient of inappropriate behaviour, and they feel able to respond personally at that time, they may try to resolve the issue by a direct approach to the person responsible for violence, by personally requesting the behaviour to cease.

If the attempt to respond personally is unsuccessful the person must remove themselves from the situation and seek assistance from a teacher, manager, or other relevant staff, and report the incident.

Where the person believes that a form of violence is continuing to disrupt the work environment, irrespective of previous reports, and the health and safety of employees or students is placed at risk, they should report it directly to the General Manager Finance and Infrastructure or Manager Human Resources in addition to the incident report form.

Investigation of Issues

The General Manager Finance and Infrastructure or the Manager Human Resources will initiate an investigation of the matter within 5 working days of receipt of the claim to determine if violence has taken place as reported.

The person in charge of the investigation or resolution must be appropriately skilled and should have had no direct involvement in the incident ensuring impartiality to all parties associated with the complaint.

Confidentiality is to be maintained at all times to ensure that the complainant/s is/are not victimised for coming forward.

The Health and Safety Representative for the Designated Work Group in which the person works may be required to assist in the investigation.

Once the complaint has been lodged, the Institute will provide the option of support to the complainant/s in the form of counselling, employee assistance or peer support if and when required. This support should also be offered to the person or persons against whom the allegations have been made.

Where the complaint has been investigated and the allegations proven, the following resolutions may be invoked:

- Gain commitment to cease the behaviour

- Require an apology

- Mediation between the parties (where mediation and an appropriate mediator is agreed to by both parties).

- Move the perpetrator away from the affected person.

- Discipline the perpetrator.

(Please note: following the investigation and recommended resolution, support in the form of counselling should be made available to both parties as appropriate.)

When the issue has been resolved the Manager Human Resources will examine the work situation to determine and address any underlying risk factors that may have contributed to the violence occurring.

5 PRINCIPLES OF NATURAL JUSTICE

(Extracted from the WORKSAFE VICTORIA Guidance notes for the Prevention of Bullying and Violence at Work)

The person who is alleged to have committed the violence should be treated as innocent unless the allegations are proven to be true.

Any allegation of violence should be investigated promptly.

All allegations need to be put to the person who is alleged to have committed the violence.

The person alleged to have committed violence must be given a chance to explain his or her version of the events.

If the complaint is substantiated, then any disciplinary action that is to be taken needs to be commensurate with the seriousness of the matter (the punishment should fit the crime). Mitigating factors' should be taken into account when assessing what form of discipline will be implemented.

6 DOCUMENTATION

- [Discipline Policy for PACCT Staff – CS34](#)
- [Discipline Procedure for PACCT Staff – CS34-P94](#)
- [Discipline Policy for Employees Other Than PACCT Staff – CS11](#)
- [Discipline Procedure for Employees Other Than PACCT Staff – CS11-P45](#)
- [Employee Code of Conduct Policy – POHR14](#)
- [Termination of Employment Procedure – CS7-P41](#)
- [Incident Reporting and Investigation Procedure – CS15-P75](#)
- Equal Opportunity Act 1995
- Occupational Health and Safety Act 2004
- WorkSafe Victoria's guidance notes on *Prevention of Bullying and Violence at Work*