Ethical



Safety Management Procedures

February 2020

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# Work Health and Safety Policy

This policy statement recognises that the work health and safety of staff of EveryMan is the responsibility of management. To discharge this responsibility, management has a duty to ensure that all work-related risks to individuals health and safety are eliminated or reduced to as far as is reasonably practicable based on current knowledge and standards.

This policy statement also recognises that individual members of staff have a duty to act responsibly and perform their work in accordance with due care as well as following instructions and guidelines periodically prepared by management in promoting work health and safety within our organisation.

## Purpose

The purpose of these procedures is to establish and maintain an effective health and safety management system.

EveryMan is committed to implementing a structured approach to workplace health and safety in order to achieve a consistently high standard of safety performance.

All employers, Persons Conducting a Business or Undertaking (PCBU) are required to have a system in place to control the Work Health and Safety (WHS) risks/hazards to all persons affected by the organisation’s activities, products or services. The Work Health and Safety Management System (WHSMS) is a documented management plan which allows EveryMan to not only control the WHS risks/hazards but also verify its compliance with legislation.

This plan applies to all EveryMan officers and workers and to other persons at risk from work carried out at EveryMan workplaces. This policy applies to our staff that visit other workplaces which are controlled by other PCBUs and to staff that visit clients.

## Statement of Commitment

The Statement of Commitment and the Implementation of Policy Commitment provide the overarching direction EveryMan will follow in pursuit of workplace health and safety outcomes. These commitments are:

* EveryMan is committed to providing a workplace that enables all work activities to be carried out safely. We will take all reasonably practical measures to eliminate or minimise risks to health, safety and welfare of workers, contractors, visitors and anyone else who may be affected by our operations.
* EveryMan are committed to ensuring we comply with the *Work Health and Safety Act 2011* (the Act), *Work Health and Safety Regulation 2011 (*the Regs), applicable Codes of Practice and Australian and New Zealand Standards.
* The WHS Management Plan and EveryMan’s WHS Policies and Procedures set out the safety arrangements and principles which are to be observed by EveryMan and its workers to ensure compliance with the WHS Legislation and to provide appropriate mechanisms for continuing consultation and management of WHS matters.

## Implementation of policy commitment

EveryMan is committed to providing a safe and healthy workplace for workers, clients, sub-contractors, visitors and all other person whose health or safety could be at risk through our work.

We will do this by ensuring:

* Compliance with relevant legislation, including the Work Health and Safety Act 2011, Work Health and Safety Regulations 2011 and supporting codes of practice.
* The implementation of the WHS Management System, and the plans, policies, procedures and programs necessary to support and implement this policy.

EveryMan accepts responsibility for implementing and maintaining this Work Health and Safety Policy and WHS Management System, it will ensure that:

* We conduct regular workplace inspections and the prompt control of identified hazards.
* Workers are trained on all health and safety matters relevant to their work.
* All managers, workers, and other persons are inducted into the requirements of WHS in our workplace.
* We have effective worker consultation on health and safety matters occurs
* Adequate resources are provided to enable full implementation of this WHS Policy and WHS Management System. Where EveryMan does not have the necessary in-house knowledge or expertise to enable it to meet its work health and safety objectives, it will ensure that advice and guidance are obtained from competent work health and safety professionals.
* This WHS Policy and the WHS Management System are reviewed every 2 years to ensure they remain relevant to and appropriate to the organisation.
* All EveryMan workers are required to comply with this WHS Policy and the WHS Management System at all times.
* Senior management are responsible for the implementation and dissemination of all matters dealing with the health and safety of workers under their control.
* Workers cooperate with the employer regarding WHS actions taken by the employer to maintain health and safety. In addition, workers shall take reasonable care of their own safety and not adversely affect the safety of others at the workplace.



Signed:

Chief Executive Officer

Date: 27 February 2020

# Roles and responsibilities

## PCBU

As the duty holder, EveryMan, being the PCBU, will:

* Ensure the health and safety of its workers and others in our workplace.
* Ensure the health and safety of other persons is not put at risk from work carried out as part of its operations.
* Provide and maintain a work environment that is without risks to health and safety.
* Provide and maintain safe plant and equipment.
* Provide and maintain safe systems of work.
* Ensure the safe use, handling and storage of plant, structures and substances.
* Provide adequate facilities for the welfare of workers.
* Provide information, training, instruction and supervision.
* Monitor the health of workers and the condition of our workplace.

Specific duties as a PCBU also include:

* Recording and notifying WorkSafe of any notifiable incidents arising out of the conduct of the business or undertaking.
* Consulting so far as reasonably practicable with other PCBU’s or persons who have a duty in regard to a work health and safety matter.
* Consult so far as reasonably practicable with workers, and their health and safety representatives (HSR) on work health and safety matters.

## Officers for the PCBU

Mangers and are responsible for providing a workplace that is, as far as reasonably practicable, a safe workplace for workers and visitors, in particular in the areas of their control. This includes:

* Modelling health and safety leadership.
* Demonstrating a commitment to good health and safety performance, by:
* Talking about health and safety at regular meetings.
* Ensuring safe work procedures are followed.
* Reporting incidents, hazards and safety concerns promptly.
* Assessing task risk and not allowing an activity to continue until it can be controlled adequately.
* Fostering a strong work health and safety culture where worker input is valued.
* Ensuring staff are adequately training in WHS
* Promoting and implementing the EveryMan Work Health and Safety Management System.
* Actively support the identification of hazards and risks and the management of these.

## Workers

Workers must take reasonable care for their own health and safety while they are at work, and reasonably care that their acts or omissions do not adversely affect the health and safety of other persons. They must comply, so far as they are reasonably able, with any reasonable instruction given by the Manager, as well as co-operating with any reasonable EveryMan policy or procedure which relates to workplace health and safety. On a day to day basis, this includes:

* Making sure that the work area safe is when leaving it.
* Follow agreed safe working practices and rules.
* Report all known hazards, accidents and incidents as soon as possible.

It is acknowledged that, in accordance with the Act, a worker may cease, or refuse to carry out work if they have a reasonable concern, the work would expose them to a serious risk to their health or safety.

## Contractors

Contractors, sub-contractors and self-employed persons are defined as ‘’workers’’ under the WHS Act if they carry out work in any capacity for EveryMan. They are required to:

* Comply with the requirements of the WHS legislation.
* Follow our WHS rules and procedures
* Have in place any work health and safety policies and programs required under the Work Health and Safety Act, Regulations and Codes of Practice.
* Complete an induction before commencing work. Management is responsible to ensure that the relevant documentation has been received from the Contractor and a site induction is completed before the workers commence work.
* Consult with EveryMan about safety matters and comply with EveryMan policies.
* Work safely and to include the safety of EveryMan staff and visitors in their safety plans.

If any staff member believes that a contractor may be engaging in an unsafe work practice, they are required to report the issue to their manager.

## Health and Safety Representatives (HSR)

HSR’s are elected by members of a work group in order to represent the interests of that work group, in matters relating to work health and safety. HSR’s must undertake approved WorkSafe ACT 5-day training to exercise their powers and may:

* Consult with workers on a regular basis.
* Complete safety inspections with a delegated manager
* Participate in workplace accident and incident investigations as required.
* Participate in any change management discussions that may affect the health and safety of workers.
* Provide advice to managers on the welfare of workers in their work group.

HSR’s are not liable for acts or omissions that are undertaken in good faith. HSR’s are not entitled to personal or medical information about a worker without their consent unless that information is of a general form that does not identify workers specifically.

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## WHS record keeping

Management will retain all Work Health and Safety documents; Payroll shall retain workers compensation documentation. These documents are required to be filed for 30 years in safe storage accessible only to authorised personnel in accordance with the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).*

## Training

EveryMan is committed to providing appropriate training to ensure workers have the skills and knowledge necessary to fulfil their WHS obligations. WHS training is a fundamental requirement for EveryMan to achieve a safe workplace. The WHS training needs for EveryMan will be determined in consultation with managers and workers.

All staff will receive training and information to ensure that they can undertake their work safely.

Health and Safety Representatives (HSRs) will receive the initial 5-day training and 1-day refresher training each year.

Staff that are identified as needing First Aid training will receive training.

Emergency wardens will receive training appropriate to their role and function.

All staff will receive training in bullying and harassment awareness.

Training records shall be maintained as evidence of training delivery and assessment of competence.

## WHS Induction

All new managers and workers are required to be provided with WHS information regarding the workplace as part of their overall induction and introduction to EveryMan. A thorough WHS induction process assists new staff to feel welcome, become integrated into the organisation and ensure they are able to work safely.

# Consultation

Consultation is a legal requirement and an essential part of managing health and safety risks. A safe workplace is more easily achieved when everyone involved in the work communicates with each other to identify hazards and risks, talks about WHS concerns, and works together to find solutions.

## Definitions

**Consultation** - Consultation with workers can take place in a variety of ways, including regular staff meetings or through a health and safety committee. Consultation must take place on all work health and safety matters including:

* undertaking risk management activities
* proposing changes that may affect the health and safety of workers
* making decisions about any work health and safety procedures
* the adequacy of facilities for the welfare of workers.

## Procedure

Consultation is a legal requirement under the *WHS Act 2011* and associated regulations; and an essential part of managing health and safety risks. EveryMan promotes the active participation of all staff in WHS decisions.

Staff are consulted and given opportunity, encouragement and training to be proactively involved in WHS matters affecting the organisation and their work activities.

Consultation occurs when developing WHS procedures for:

* hazard identification and risk assessment processes
* control measures for the management of hazards and risks
* changes to the organisation's policies and procedures or work routines which may affect WHS
* how workers will be consulted
* facilities for the welfare of workers.

WHS Consultation and communication occurs at EveryMan through:

* management meetings
* staff meetings/toolbox talks, pre-start meetings
* safety bulletins/notices
* WHS staff surveys
* HSRs
* risk assessments.

Effective consultation has benefits:

* Greater awareness and commitment, because staff who have been actively involved in how health and safety decisions are made will better understand the decisions.
* Positive working relationships, because understanding the views of other leads to greater cooperation and trust.

## Work Health and Safety Information

Typical WHS information to be communicated includes:

* WHS reports from safety inspections
* information from staff meetings
* WHS consultant reports
* internal WHS policies and procedures
* safety posters
* safety notices
* hazard alerts from the WHS regulator, and other organizations
* internal hazard alerts
* risk assessments and hazard reports
* incident and dangerous occurrence reports.

## Methods of communication

Where-ever possible information will be communicated in writing however some WHS information will be communicated verbally for example during induction programs or situations requiring prompt action.

## Responsibilities

|  |  |
| --- | --- |
| EveryMan | * Management have overall responsibility to ensure that an effective WHS consultation and communication system is operating within the organisation. * Management are responsible to ensure that sufficient resources are allocated to enable an effective WHS management system. * Management will also demonstrate commitment through signing the WHS policy and will ensure that all relevant WHS policies and procedures are communicated to all workers. |
| Managers and Supervisors | * Managers and supervisors must ensure that information that they receive on any aspect of WHS is communicated promptly to staff that they supervise and being mindful that workers may be on leave or absent from the workplace and will need WHS information communicated to them upon their return to the workplace. * Staff are consulted on WHS matters in accordance with this procedure. |
| Workers | * Staff are responsible for reporting WHS issues and concerns immediately to their supervisor. This is a very important way that hazards or unsafe systems of work can be identified and corrective action taken to reduce risks to workers and visitors. |

## Designated work group

The Designated Work Group (DWG) will consist of all staff. This may be varied to reflect changes in service delivery patterns. A notice with the names of DWG representatives will be posted in the administration office.

The Designated Work Group elects a Health and Safety representative who will work with EveryMan management to address WH&S concerns.

## Work and Health Safety Committee

ACT legislation suggests that organisations formally convene an WH&S Committee with DWG and management representation. If formed, the WHS committee will make recommendations relevant to the occupational health and safety of staff at EveryMan. It would be chaired by the CEO or his/her delegate and meet on a regular schedule.

## Work health and safety dispute resolution

Wherever possible, any WHS concerns will be resolved through consultation between workers, their representatives and/or their manager. If the concern cannot be resolved, then it can be referred to the Board for resolution. Where the issue remains unresolved the default procedure for issue resolution set out in the WHS Regulations will be followed.

# Work Health and Safety Risk Assessment

The purpose of any WHS risk assessment is to ensure that, for any identified hazards, appropriate control measures are implemented in order to protect workers, contractors and visitors from risks to their health, safety and welfare.

Control measures for WHS hazards should be implemented as required using the following hierarchy of control, in order of preference these measures relate to:

* Elimination (removal of the hazard).
* Substitution (substitute the hazard for something which is less hazardous e.g. replace a hazardous chemical with one which is not hazardous.
* Isolation (isolate the hazard from people e.g. place a noisy piece of equipment in another location).
* Engineering (e.g. guarding on machinery).
* Administrative (e.g. provision of training, policies and procedures, signage).
* Personal protective equipment (e.g. use of hearing &eye protection, high visibility clothing).

Outcomes of risk assessments will be documented and the control measures reviewed at least annually or earlier should a task or activity be the subject of a WHS incident or a change of process or requirement. Current risk assessments will ensure that EveryMan achieves the goal of eliminating or minimising the risk workers may be exposed to. Management will be responsible for the implementation, monitoring and review.

EveryMan employees may from time to time encounter situations in which there is a real risk of harm to children or adult members of their families, or to EveryMan personnel, either within the environment in which their program operates, or on EveryMan premises or in the community.

It is the responsibility of staff in each program, in consultation with management and other employees, to identify areas or specific situations of risk and develop procedures to address these.

Not all situations of risk can be planned for, and the assistance of all employees is essential to make EveryMan as safe as it can be for everyone. For this reason, a number of procedures have been developed for use across the agency. These are not exhaustive, and employees are encouraged to assist in proposing additions or amendments to improve the efficacy of EveryMan risk management practice

## Risk Assessment

Program employees should be alert at all times to the possibility that clients, family members or other persons involved with clients and their families, may have risk potential. Management will ensure that appropriate procedures are in place to assess risk potential at intake and to update risk assessments during service delivery.

## Risk Management Planning

Where there is reason to believe that a risk exists, management in consultation with employees will be responsible for developing strategies to minimise the potential for harm to occur. Sometimes such a strategy cannot be developed and the risk may be serious enough to compromise the program’s ability to provide the service within safety margins acceptable to EveryMan and to other persons concerned. In these cases, appropriate action should be taken, which could include:

* an alternate client service to provide a more acceptable level of safety (e.g. a service at EveryMan instead of in the home, or have an extra staff member present when working with the client);
* calling in resources to assist with security (e.g. Mental Health Services’ Crisis Assessment and Treatment Team, police, other EveryMan employees);
* meeting with employees of other service providers, funding providers, clients and/or other family members to explore the issues and identify appropriate action, or;
* withdrawing the offer of service.

## Home Visiting Risk Assessment and Management

Employees visiting clients in their homes may from time to time be at risk, from clients, other family members, visitors to the home or others in the community. In such circumstances, employees should be guided by the following procedures, and any concerns about safety while working in the community should be brought to the attention of the employee’s supervisor, and a risk management plan developed.

### Procedures to follow

Worker Safety Policies and Procedures

* Personal safety procedures are to be developed and periodically updated to provide for the assessment and management of any potential risks to EveryMan Australia workers when working with clients in their homes. While EveryMan Australia has a responsibility to address issues of worker safety, individual workers are also responsible for monitoring their working environments for (and taking steps to address) potential hazards.
* Appropriate steps may include, but are not limited to, strategies such as leaving the site of potential hazard, or bringing notice of potential hazards to the immediate attention of management.
* Whenever any substantial risk information becomes known, it should be detailed on the [Worker Safety Risk Assessment Checklist](file:///P:\Forms\Risk\Worker%20safety%20risk%20assessment%20checklist.doc), and be brought to the attention of the supervisor as soon as possible. It is understood that risk assessment is only as accurate as the information provided to the person making the assessment. Accuracy is limited by what is known to the person being asked, what they recognise as pertinent, and what they are willing to disclose.

INTAKE

* Information identifying risk factors should be collected from the person making the referral, at the time of initial contact. Provision should be made for this on intake forms. The person taking the referral should take care to ascertain what is and isn’t known for each of the identified risk areas, so that workers reading intake information will be able to tell what information remains to be collected.
* Any person doing further assessment after referral is responsible for following up risk indicators noted (and filling any gaps) in information gathered at intake. If potential or known risks have been identified, the allocated worker should meet with the supervisor to draw up a risk management plan prior to any face-to-face client contact.

### New information

As noted earlier, new information about risk should be detailed on the [Worker Safety Risk Assessment Checklist](file:///P:\Forms\Risk\Worker%20safety%20risk%20assessment%20checklist.doc) and be brought to the attention of the supervisor as soon as possible for the development of an appropriate response.

### Differences among workers

It is to be expected that individual workers will differ both in the assessment of risk and in the level of comfort or confidence that each will feel in working with that level of risk. The existence of such differences among workers should not be taken automatically as indications of higher skill, or proneness to risk-taking, on any worker’s part, but at least as the outcome of different backgrounds and experiences and of the ability of the client and the worker to develop their own working relationships.

The program’s guidelines should provide clear directions for setting professional standards in working with risk, to maintain flexibility for each worker, rather than developing a lowest common denominator approach. While workers are each responsible for risk management for their own clients, good teamwork should allow team members to express any safety concerns they have, for other workers as much as themselves.

### Making decisions about personal safety

* If a worker at any time feels to be at immediate or impending risk, that worker is without exception delegated the authority to decide how best to respond to that risk. The worker may take whatever steps she/he believes to be necessary to ensure her/his immediate safety, including leaving the immediate location, or calling the police or other emergency services. **When reasonable personal safety has been secured, any steps to pursue the safety needs of client family members or other people should be taken.**
* Check-in Procedure - the worker may ask a supervisor to provide a Check In call within a few minutes of the worker’s arrival at the client’s home. The following example has been taken from a small laminated card designed to be held by a staff member. Use it as a guide:

|  |
| --- |
| SAFETY PLAN for <name of Staff>  Before you arrive, tell EM time you think session will finish.  Have mobile phone with you.  Phone (name of EveryMan Australia staff) as you arrive.  EveryMan to call you back in 5 mins to check in.  When EveryMan calls, if situation OK, say “I’ll be finished soon.”  If not OK say “Sorry, I’m still with <client name>  If you are followed, call for support. |

Note-taking - As soon as is practicable, the worker should complete an Incident Report web-form, in the event that the worker’s knowledge of the situation is required (e.g. for a police interview, program incident report, report for Family Services, or as evidence in court).

### Debriefing

The worker should contact the supervisor or CEO to give prompt notice of the incident and discuss arrangements for debriefing. Debriefing is a necessary professional support service available to all workers. Workers shouldn’t feel that asking for debriefing is an admission of failure or incompetence. If debriefing is offered to a worker after an incident, it is intended as positive support, not because EveryMan thinks the worker ‘can’t handle it’.

Interim Plan - The worker will develop with the person providing the debriefing an interim response plan to address any outstanding requirements in relation to duty of care or other agency responsibilities.

Meeting with CEO - A meeting should be arranged within the next few working days to review the incident and any follow-up required (reports, debriefing, notifying other persons involved). In the absence of the immediate supervisor, the CEO should be contacted. The service plan for the client(s) should be reviewed at this time, giving attention to any risk management issues arising, and should consider any implications the incident has for the viability of EveryMan continuing to be involved.

### Providing alternatives to clients in risk situations

When leaving a client in a situation judged to be of risk to the worker and/or any members of the client’s family, our duty of care requires that the worker should attempt to suggest some alternatives to the client to address their needs.

EveryMan recognises that in situations of risk, this may not always be possible, and would encourage workers to do only what to them seems safe at the time.

It is understood that a perception of risk in **some situations will require an immediate departure**.

Bearing this in mind, please use the following procedures as guidelines, and do not attempt to follow them if you feel doing so would put you at risk:

### When leaving the scene

Inform the client of the reasons for your departure, naming clearly the factors contributing to your feeling unsafe, and then:

* acknowledge the client’s feelings about your leaving (angry, let down, anxious etc). Inform the client of your right to feel safe in their home, and let them know that EveryMan has a clear policy about workers being safe (if that seems appropriate). **Offer arrangements for a subsequent contact.**
* inform the client about any action you will be taking in response to the situation, to the extent of your knowledge at the time, even if it is simply that you will have to speak to a supervisor. Try to get the client to go through a safety plan which is adequate for their situation.

If the client does not feel at risk

Give the client information about other services and supports available, apart from yourself, should they later decide that they are at risk (e.g. Police, CATT, or EveryMan On Call numbers).

When the client feels at risk

* discuss the client’s feelings and options, and their beliefs about what they can do.
* offer assistance and suggestions about action to make the client/family safe.
* give the client information about other services and supports available, apart from yourself, should they later decide that they are at risk (e.g. Police, CATT, or EveryMan On Call numbers).

## Critical Incident Review

If an incident has occurred which has had safety implications for a staff member or client, it may be necessary to complete a [Critical Incident Review](file:///P:\Forms\Risk\Critical%20Incident%20Review.doc).

### Subsequent contact after a risk situation

**Debriefing**

Give the client opportunities in your next few contacts to talk about their response to the incident, including:

* What actually happened, and all parties’ personal responses, including yours.
* differences between you about client and worker risk
* options and points of view
* unfinished business and issues arising
* safety plan
* Longer Term- discuss what the risk indicates for the longer term, including a case management plan to address any specific issues that seem to require planned responses in the future.

### Physical intervention with Clients

Employees are not permitted to use physical intervention with clients at risk of harming themselves or others except in defence of their own safety, within the provisions of ACT law (minimum force required, acting to prevent a breach of the peace).

## Risk management and the risk register

WHS risk management is a systematic process of hazard identification, risk assessment and risk control with the aim of providing health and safe conditions for managers, workers, visitors and contractors at EveryMan.

As required by the WHS Act, EveryMan has adopted a risk management approach to underpins its WHS Management System. This approach involves all managers and workers in identifying hazards, assessing and prioritising risks, implementing control measures and reviewing how effective the control measures are.

All workers are responsible for assisting in managing the particular risks associated with their specific work environment. Risk management strategies used by EveryMan include:

* Hazard inspections of the EveryMan environment.
* A risk register detailing the main WHS risks associated with the operation and activities of the EveryMan.
* Documented WHS policies and procedures.
* Risk assessments of newly purchased equipment.
* Risk assessments for any change to work processes.
* Hazard, injury, incident reporting procedures.
* Incident investigations.
* WHS job safety analysis for specific EveryMan activities.

### Definitions

**WHS Hazard:** anything which has the potential to cause injury or illness.

**WHS Risk:** A WHS risk is the chance of someone becoming injured or ill as a result of a workplace hazard. This significance of the risk is determined by considering the likelihood of it happening and the consequences if it does happen.

**WHS Risk Control:** WHS risk control is action taken to eliminate or reduce the likelihood that exposure to a hazard will result in injury or illness to people or damage to property and the environment.

## Risk management process

WHS risk management should be undertaken for all activities where there is the potential for harm including:

* Before activities commence.
* Before the introduction of new equipment, procedures or processes.
* When equipment, procedures or processes are modified.

**STEP 1: Identify the Hazard**

A hazard is a source or potential source of injury, ill health or disease. Hazard identification is the process of identifying all situations and events that could cause injury or illness by examining a work area / task for the purpose of identifying all threats which are ‘inherent in the job’. Tasks can include, but may not be limited to dealing with people, lifting/moving items and driving.

**STEP 2: Assess the Risk**

Assessing the risk from a hazard determines its significance. Firstly, consider the consequences should something happen; will it cause a serious injury, illness or death or a minor injury. secondly, consider how likely is this to occur – very likely, not likely at all or somewhere in between? Some of the things to think about include:

* How often is the task undertaken?
* How frequently are people exposed to the hazard.
* How many people are exposed at a particular time?
* Has a similar incident happened before?
* Have there been any near misses?

Use the table below to determine how significant the risk is.

Where a manager, worker, contractor or visitor to the workplace identifies a hazard EveryMan requires that it is eliminated or reduced in consultation with the relevant stakeholders.

* Step 1: identify the Consequences – or how severely could it hurt someone.
* Step 2: identify the Likelihood – or how likely is it for an injury to occur.
* Step 3 & 4: identify the Risk Priority Score – to prioritise your actions.
* Step 5: apply the hierarchy of hazard control.
* Step 6: identify who, how and when the effectiveness of controls will be checked and reviewed.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Step 1 – CONSEQUENCES**  **How severely could it hurt someone?**  **Or**  **How ill could it make someone? – circle it** | | **Step 2 – LIKELIHOOD**  **How likely is it for an injury to occur? – Circle it** | | | |
| Very likely, could happen frequently | Likely, could happen occasionally | Unlikely, could happen, but rare | Very unlikely, could happen, probably never will |
| L1 | L2 | L3 | L4 |
| Kill or cause permanent disability or ill health | C1 | Very high risk  (1) | Very high risk  (1) | High risk  (2) | Substantial risk  (3) |
| Long term injury or serious injury | C2 | Very high risk  (1) | High risk  (2) | Substantial risk  (3) | Moderate risk  (4) |
| Medical attention and several days off work | C3 | High risk  (2) | Substantial risk  (3) | Moderate risk  (4) | Acceptable risk  (5) |
| First aid needed | C4 | Substantial risk  (3) | Moderate risk  (4) | Acceptable risk  (5) | Low risk  (6) |

**STEP 3: Risk priority score identifies the necessary action and response**

|  |  |
| --- | --- |
| **Step 3 – Risk priority score** | **Step 4 – Action and Response** |
| **1 = Very High Risk** | Stop the activity – immediate action is required to ensure safety- safety measures applied must be cleared by the Manager before any activity recommences.  Proceed with caution – immediate reporting of emerging or ongoing risk exposure at this level to the manager for decision is mandatory. |
| **2= High Risk** |
| **3= Substantial Risk** | Be aware – action required as soon as possible to prevent injury or illness.  Report these risks to the responsible manager during the current shift or before the next shift. |
| **4=Moderate Risk** |
| **5= Acceptable Risk** | Do something when possible. Manage by routine procedures. |
| **6= Low Risk** | These risks should be recorded, monitored and controlled by the responsible manager. |

**STEP 4: Control the hazards**

Control the hazards – the aim is to implement the most reliable controls to create a safe workplace rather than simply relying on people to behave safely, following processes or using protective equipment. In many cases, a combination of several control strategies may be the best solution.

**Hierarchy of control strategies (in order of preference):**

* Eliminate the hazard: remove the equipment from use, dispose of unwanted chemicals.
* Substitute: use a non-hazardous chemical, use a different machine that can do the same task.
* Isolation: contain noisy machinery within a booth.
* Engineering controls: design equipment differently, providing lifting devices to minimise manual handling activities.
* Administrative processes: task variation, job rotation, training.
* Personal Protective Equipment: gloves, hearing protection, eye protection.

**STEP 5: Review the process**

Continuously review to monitor and improve control measures and find safer ways of doing things.

## Documentation for Risk Assessment

The documentation required for a WHS risk assessment will depend on the operation or activity being assessed.

## The WHS Risk Register

The risk assessment data collected from identifying, assessing and controlling risks should be documented on a centralised risk register for EveryMan. The risk register holds a list of EveryMan key risks that need to be monitored and managed. The risk register is to be managed by management who should be notified if new hazards are identified and controls implemented so that the risk register can be amended.

## Workplace Hazard Inspections

EveryMan is required by WHS legislation to be proactive in identifying hazards in the workplace which may affect the health and safety of its workers and eliminating or minimising the risks arising from those hazards.

In order to ensure a safe and healthy workplace, the CEO and or nominated manager/s accompanied by Health and Safety Representative (HSR) should undertake WHS hazard inspections of the workplace regularly and at any other times as required.

If any hazards are identified through the hazard inspection process, controls must be implemented to ensure that the risk to health and safety is eliminated or minimised.

# Hazard, injury or incident reporting

All accidents or incidents that do or could result in injury must be reported to CEO without delay. If an accident happens when it can’t be reported immediately, e.g. when travelling to or from work, the report should be made as soon as possible.

Employers are required to notify their insurers within 48 hours of the time of receiving the report of injury. For guidelines re EveryMan records of Workers Compensation claims, see ‘Claims Made’ below.

The employee must complete the ‘Incident/Accident Report’ web-form (accessible from the EveryMan website Staff Page Resources List) which is to be completed after every accident. The uploaded forms are stored in Smartsheet.

If a Workers Compensation claim is to be made, the worker must obtain from the Operations Manager an ‘Employee’s Compensation Claim Form’ and an ‘Injury on the Journey’ if required for injuries received while travelling between home and work or home and work-related training. The employee is to return the form(s) with a medical certificate specifically stating that the worker’s employment was a substantial contributing factor to the injury.

Upon return of the completed form the Operations Manager will complete the ‘ACT Early Injury Notification form. Register of Injuries’ and forward both forms to EveryMan’s Workers Compensation Insurance provider with the ‘Employer’s Report of Injury’ form and any other necessary documentation. These are stored in the office of the CEO.

The injured employee is encouraged to consult a doctor or hospital, unless the employee is certain that there is no need to be absent from work and that no complication will result from the injury.

All managers and workers including contractors are required to complete an incident form if a hazard / injury / incident occurs, and:

* Advise immediate supervisor.
* Advise the Health and Safety Representative of the incident or injury or hazard.
* For recording purposes complete a Hazard report form for identified hazards. Complete an Injury / incident Report form for all incidents, accidents & near misses.
* Complete relevant sections of the form giving details of the incident. The form should be completed even when an injury has not occurred, that is, in the event of a near miss.
* All hard copy forms should be signed by relevant parties.
* The HSR or their delegate must record all injuries on the injury register.
* Internal reporting of any hazard, injury, incident should occur is separate reporting of notifiable incidents to WorkSafe Act.

## Reporting of notifiable incidents

Any serious incidents must be notified immediately to the CEO and HSR. After becoming aware that any such incident has occurred, it is managements responsibility to report ‘notifiable incidents’ to WorkSafe Act by the fastest possible means, either:

* By phone – call 6207 3000.
* By email – [worksafe@act.gov.au](mailto:worksafe@act.gov.au)

Within 48 hours of the initial notification, Access Canberra must be notified in writing of the notifiable incident or dangerous occurrence by completing the relevant form:

* Notifiable incident report (online).
* Dangerous substance report.

Completed forms are to be forwarded to PO BOX 158, Canberra City ACT 2601.

**Definition of ‘notifiable incident’** Notifiable incidents’ include the following:

* The death of a person
* A serious injury or illness of a person

Serious injury or illness includes immediate treatment as an in-patient in a hospital; immediate treatment for certain serious injuries; or medical treatment within 48 hours of exposure to a substance.

**A dangerous incident**

A ‘dangerous incident’ means any incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person’s health or safety caused by incidents such as uncontrolled escape, spillage or leakage of a substance, an uncontrolled implosion, fire, or uncontrolled escape of gas or steam.

## Critical Incidents

When incidents occur, which have the potential for major personal impact on the people involved, timely responses are required which adequately address safety needs and provide appropriate support.

### Incidents on Premises

When a critical incident has occurred on EveryMan premises, the Critical Incidents procedure should be commenced as soon as possible. The need for debriefing for any person involved should be given a high priority, as soon after an incident as practicable, and arrangements made as required.

### Reporting Incidents

Risk management procedures are intended to minimise the possibility of harm, but incidents may still occur from time to time despite these procedures, affecting clients or other visitors. These incidents should be documented using EveryMan's Incident Report web-form.

### What is a Critical Incident?

A Critical Incident is any event that poses a serious risk to the life, health or safety, of an individual who is receiving EveryMan services. It can include incidents where staff, clients and third parties feel unsafe and under stress. This includes, but is not limited to:

* A client has gone missing
* A significant injury, particularly when hospitalization is required;
* Possible involvement by the Police or other emergency services;
* An alleged sexual assault;
* A client may be at risk of suicide or engaging in behaviour exposing them to risk of injury
* Risk of seriously injuring someone else;
* Fire-lighting in the individual's home or elsewhere;
* Alleged fraud;
* Incorrect medication.

#### Why Must EveryMan Report Critical Incidents?

EveryMan regards threats to the life, health or safety of a vulnerable person as the most critical of our duty of care responsibilities. Reporting obligations are a necessary protection and the primary focus at all times will be the wellbeing and safety of the affected person.

Section 10 of the *Disability Services Regulation 2014* (under the *Disability Services Act 1991)* requires that all Critical Incidents must be reported to the CEO-General of the Community Services Directorate. Reports are made to the CEO-General of the Community Services Directorate via the Human Services Registrar.

#### How to report a Critical Incident

Critical Incidents can be reported by contacting the office of the Human Services Registrar on 02 6207 5474 or by emailing quality@act.gov.au.

At the time or soon after the incident...

The first priority for EveryMan staff is ensuring the safety of people involved in the incident. If there is an opportunity in the early stages, the Human Services Registrar should be notified promptly of the incident, providing a brief description of events and any immediate actions taken.

PROCEDURE

Staff member on site will report incident using EveryMan Incident Report web form.

CEO or Manager will assess the information provided to determine if an early notification is required. If it is, the CEO or Manager will forward the information at hand to the HSR.

CEO or Manager will respond to the initial report and may, as required

* request further action within EveryMan
* provide the Human Services Registrar with updated information.

When the Outcome Review has been conducted, CEO or Manager will forward the completed Incident Report to the Human Services Registrar.

#### Notifying the Registrar

Email via the ‘Contact a Registrar’ tab on the NRSCH website at [www.nrsch.gov.au](http://www.nrsch.gov.au/) , or call the Registrar’s office and speak to a staff member. In either case, EveryMan may be asked to provide more information verbally or in writing.

The Registrar’s office may simply acknowledge and record the notified event, or may take further action if appropriate. Further action can include, for example, requiring the provider to supply updates on action it is taking in relation to the event. In some situations, the Registrar may plan a targeted assessment to check ongoing compliance under a particular performance area.

If the notified event involves appointing a voluntary administrator or receiver to the provider, the Registrar may liaise with EveryMan and CSD and/or other entities we have community housing agreements with. This is to facilitate future compliance or, if necessary, resulting wind up arrangements and/or transfer of assets to another registered housing provider. All notifications are taken into account in subsequent scheduled compliance assessments.

#### Notifying the Board of Directors

The CEO will notify the Board of Directors of any circumstance arising where a notification may need to be made to the Human Services Registrar and confirm with the Board when a notification has been made, immediately on submission of the notification.

#### Who is responsible for notifications?

The CEO or President of the Board of Directors is responsible for notifications of events other than critical incidents.

#### Failure to Notify

Notifying the Registrar of events described in Section 15 (2) (h) of the National Law is a mandatory condition of registration. Failure to notify such events within required timeframes, where these subsequently come to the attention of the Registrar, will be taken into account in compliance assessments of the provider.

Providers are responsible for demonstrating and maintaining compliance with the National Law and are expected to be proactive in reviewing, disclosing and addressing issues of non- compliance as they arise.

#### More information

For more information, go to the NRSCH website at [www.nrsch.gov.au](http://www.nrsch.gov.au/) to access the:

* NRSCH Compliance Framework
* National Law
* Enforcement Guidelines
* Fact sheet: Conditions of registration for providers.

## Reporting Accidents

An ‘**Accident Report**’ web-form is to be completed after every accident. All accidents that do or could result in injury must be reported to the Operations Manager without delay. If an accident happens when it can’t be reported immediately, e.g. when travelling to or from work, the report should be made as soon as possible. Employers are required to notify their insurers within 48 hours of the time of receiving the report of injury

If a Workers Compensation claim is to be made, the worker must obtain from the Operations Manager an ‘**Employee’s Compensation Claim Form**’, or ‘**Injury on the Journey**’ for injuries received while travelling between home and work or home and work-related training.

The employee is to return the form with a medical certificate specifically stating that the worker’s employment was a substantial contributing factor to the injury.

Upon return of the completed form CEO will complete the ‘**ACT Early Injury Notification Form Register of Injuries**’ and forward both forms to EveryMan’s Workers Compensation Insurance provider with the ‘**Employer’s Report of Injury**’ form and any other necessary documentation.

The injured employee is encouraged to consult a doctor or hospital, unless the employee is certain that there is no need to be absent from work and that no complication will result from the injury.

A ‘**Register of Injuries**’ form is held by the Operations Manager and is available to any employee who receives an injury at work for the employee to record the details of their injury.

## Injury Register

The details of any injury leading to a Worker’s Compensation claim must be recorded in an ‘Injury Register’. This is done by filing a copy of the completed ‘ACT Early Injury Notification form. Register of Injuries’ in EveryMan’s Injury Register.

The person responsible for filing the completed form in the Injury register is the Operations Manager, or, in their absence, the supervisor responsible for processing the employee’s Worker’s Compensation Claim.

## Claims Made

For every Worker’s Compensation claim, all completed forms and supporting documentation (e.g. Accident Report, Incident Report, medical certificates, fax cover for ‘ACT Early Injury Notification Form Register of Injuries’) are to be copied and the copies placed in an envelope stamped ‘Private and Confidential’, and marked with the staff member’s name and the date of the injury in the ‘Claims Made’ suspension file. Originals of the insurer’s Workers Compensation claim forms are to be mailed to the insurer.

## Record of Injury and Dangerous Occurrences

Details must be recorded using the ‘Accidents/Near misses log’ web-form (accessible from the EveryMan website Staff Page Resources List) of any and all incidents which:

* result in an injury, or involve actual danger but do not cause an injury (Near Miss), or
* create an awareness that a dangerous incident may occur if preventative or remedial steps are not taken
* At minimum, the entry should provide the following information:
* time and date of the incident, and the names of the persons involved or present,
* the nature of injuries received,
* the nature of the risk posed if preventative or remedial steps not taken,
* list of all completed Accident and/or other reports or Workers Compensation claim forms,
* names of person to whom any verbal or written report was made, and
* any other pertinent details relating to the incident (except where sufficient details can be found in the written reports and/or claims which have been listed).

## Injury Management Program

To support workers receiving an injury sustained as a result of their work, the Operations Manager will arrange an Injury Management Program.

For a significant injury i.e. likely to result in more than 7 days incapacity, a Personal Injury Plan will be established with the assistance of a rehabilitation provider appointed by the insurance provider.

## Return to work

For employees who are in receipt of workers compensation benefits, a medical certificate specifying that the employee is fit and able to return to work must be presented to The CEO before the employee returns to work. The Operations Manager must provide information about the employee’s duties to the examining medical practitioner. Certificates specifying 'light duties' will not be accepted as proof that the worker is fit for duty.

## Suitable duties

The CEO and Operations Manager, in consultation with the injured employee, their treating doctor, the Injury Management Plan and the insurance provider will ensure that individual return to work strategies are developed for each worker.

## Prevention measures

EveryMan provides staff with the necessary materials and support for their personal health safety while working with clients. This may include, but is not limited to:

* A field kit of items such as gloves, blood spill cleaning material, anti-bacterial hand wash
* Testing and inoculations for Hepatitis A and B

These materials and supports will be identified annually.

## General

EveryMan is responsible for ensuring that working arrangements:

* maintain safe plant, systems of work and access and egress from the workplace;
* monitor the safe use, handling, storage and transport of plant and substances;
* maintain the workplace in a safe and healthy condition;
* provide adequate facilities to protect staff;
* make available information, training and supervision to staff to enable them to work in a safe and healthy manner, and
* keep records of the health and safety of staff.

## Workers Compensation

EveryMan has Workers Compensation insurance for employees. Staff may claim compensation where injury or illness occurs in the course of or arising from employment (including travel to and from work) at EveryMan, unless compensation is lost or suspended due, for example, to serious and wilful misconduct relevant to the injury or illness. A summary of the Workers' Compensation Act will be displayed in the workplace for the information of employees.

EveryMan's Workers Compensation insurance is arranged with QBE Insurance Australia.

Weekly compensation, for absence from work, at the worker's normal rate of pay can continue for up to 26 weeks, after which there is a fixed weekly rate and dependency allowances. Reasonable hospital, medical and transport expenses are reimbursed and there is provision for repair or replacement of damaged clothing, spectacles etc.

The ACT Worker’s Compensation Act 1951 amendments which came into force on 1 July 2002 extended the definition of ‘worker’ to include casual employees, outworkers, trainees and people engaged through labour hire companies.

Weekly compensation, for absence from work, at the worker's normal rate of pay can continue for up to 26 weeks, after which payments will be set at the federal minimum wage or 65% of pre-injury earnings, whichever is the greater.

Reasonable hospital, medical and transport expenses are reimbursed and there is provision for repair or replacement of damaged clothing, spectacles etc.

A summary of the Workers' Compensation Act should be displayed in the workplace for the information of employees.

## Lump Sum Payments

There is a schedule of specified injuries for which minimum lump sums are payable. If a worker dies from a compensable injury, compensation is payable to any family wholly or mainly dependent on the employee at the time of the injury.

## Occupational Rehabilitation

The overall objective of employers is to prevent injury and work-related disease by providing a safe and healthy working environment for its employees. Where work related injury or disease occurs, arrangements will be made both to rehabilitate the employee and to provide advice on handling claims. EveryMan is required to implement this occupational rehabilitation policy under part 5.2 of the Workers’ Compensation Act 1951 as in force on 2 July 2002, in consultation with the Workplace Health and Safety Board (or the relevant union) and/or its employees.

When an accident occurs, the Workers’ Compensation Act 1951 as amended specifies that an employer shall provide an injured or ill employee with occupational rehabilitation, at the employer’s expense, in any instance where an employee is entitled to compensation for a work-related injury or disease. The purpose of occupational rehabilitation is to provide an early and safe return to work for employees suffering from work related injury or illness. EveryMan will ensure that Occupational Rehabilitation obligations to employees are fulfilled by:

* ensuring employees are aware of their rights and responsibilities under the Workers’ Compensation Act 1951.
* actively participating in the early intervention and injury management process set out in the Injury Management Program
* ensuring Occupational Rehabilitation commences as soon as possible after a workplace injury has been sustained.
* ensuring Occupational Rehabilitation is aimed at the restoration of the injured worker to the most optimal state of health and productivity of which they are capable.
* commencing the return-to-work process as soon as possible after injury and ensuring that it is a managed process aimed at maintaining injured workers or returning them to suitable employment as soon as they are fit.
* providing suitable and alternate duties for injured and ill workers within their capacity where appropriate.
* consult among employees, medical experts and where applicable any appropriate industrial union, in developing occupational rehabilitation plans and ensuring their effective operation; and
* ensuring that injured or ill workers are not disadvantaged or prejudiced while undertaking rehabilitation.

## Return to Work Coordinator

A Return to Work Coordinator will be appointed by EveryMan to achieve the above aim. Confidentiality must be maintained over occupational rehabilitation records and interpreter services will be provided on request. It should be noted however, that failure by an employee to participate in occupational rehabilitation may cause compensation payments to be suspended or terminated.

A work-related injury should be reported as soon as possible after the injury is sustained. EveryMan must notify the insurer within 48 hours of notice being received.

The Return to Work Coordinator will ensure that:

* the injured worker receives information on the rehabilitation process related to employer and employee rights and responsibilities, EveryMan policies on rehabilitation, benefits and Occupational Rehabilitation procedures;
* early intervention occurs, and that appropriate, timely and adequate services based on assessment of the worker’s needs are provided;
* appropriate assistance is being provided in the injury management process to prepare the worker for a safe and timely return to work;
* any rehabilitation provider is engaged in consultation with the injured or diseased employee and given reasonable access to the workplace;
* in the case of a significant injury with an expected seven days or more of incapacity, EveryMan takes part in the establishment of a personal injury plan;
* consultations occur with the injured worker’s treating doctor and the insurer if alterations to the workplace or working arrangements are required to enable the worker to resume pre-injury duties.

## Disputes

The Return to Work Coordinator will endeavour to resolve any disputes by way of consultation with the injured worker and, if appropriate, the industrial union representing the workplace. Disputes arising from implementation of this policy which are unable to be resolved through such consultation are to be referred to CEO, ACT Work Cover. Further information on occupational rehabilitation can be obtained by contacting CEO, EveryMan.

If a Workers Compensation claim is to be made, the worker must obtain a ‘Worker’s Report of Injury’ form from the Resources List on the Staff Page of the EveryMan website.

The employee is to return the form with a medical certificate specifically stating that the worker’s employment was a substantial contributing factor to the injury.

Upon return of the completed form CEO will complete the ‘ACT Employer’s Report of Injury’ and forward both forms to QBE with any other necessary documentation.

The injured employee is encouraged to consult a doctor or hospital, unless the employee is certain that there is no need to be absent from work and that no complication will result from the injury. A medical certificate specifying that the employee is fit and able to return to work must be presented to the Operations Manager before the employee returns to work.

## Common law claims

An employee who believes that they have suffered injury because EveryMan was negligent may wish to bring a claim for damages. Such a claim is a separate and private action, as it is based on an employee’s opinion about EveryMan’s responsibility (c.f. making a worker's compensation claim), and hence requires that the employee obtain private legal advice. The limitation for common law claims is 3 years.

## Disentitlement to compensation

Employees will be disentitled to compensation if they unreasonably contravene the Personal Injury Plan, fail to take part in rehabilitation, or fail to undertake suitable alternative duties that are provided.

# General WHS procedures

## Emergency Plans and Fire safety

EveryMan will ensure that emergency plans have been prepared, maintained and implemented at EveryMan workplace, except where these are provided for by another organisation at the service's location.

EveryMan will ensure that regular fire drills are scheduled, employees are trained as fire wardens, and other appropriate measures are developed to meet fire safety requirements, except where fire safety procedures and equipment, including the provision and/or training of fire wardens, are provided for by another organisation at the service's location.

The CEO is responsible for regular audits of EveryMan fire safety needs, and arranging the purchase, maintenance, repair and monitoring of all fire safety equipment (extinguishers, blankets etc).

The CEO will arrange for the ACT Fire Brigade to review at least annually EveryMan’s fire safety equipment.

An emergency evacuation plan has been developed and this plan, together with a list of emergency contacts, is displayed in the following locations:

* Office / reception.
* Common areas.
* Meeting rooms.

All fire emergency equipment, such as horns, sirens and fire extinguishers, will be tested by an approved provider every 6 months.

An emergency plan is a written set of instructions that outlines what workers and others at EveryMan should do in an emergency.

The emergency plan is based on practical hazards associated with EveryMan work activities or workplace, and the possible consequences of an emergency as a result of identified hazards.

EveryMan recognise the potential for the following emergency situations:

* Fire/explosion.
* Gas leaks.
* Medical emergency.
* Bomb threats.
* Physical attacks

EveryMan emergency plan will include practical information for workers such as:

* Emergency contacts.
* Mechanisms for alerting people in the surrounding area.
* Evacuation procedures.
* A map of workplace illustration the location of fire protection equipment, emergency exits and assembly points.
* Procedures for testing the emergency plan including, six monthly evacuation drills.

EveryMan will ensure all workers are adequately trained in all emergency procedures, including inclusion in new worker inductions.

## First Aid

All staff will have access to first aid in case of injury. Provision/access to first-aid resources is contingent on:

* the nature of work being carried out at the workplace;
* the nature of the hazards at the workplace;
* the size and location of the workplace;
* the number and composition of the workers and other persons at the workplace.

EveryMan does not require any staff member to be formally trained in first aid, as our office-based work practices do not involve the use of machinery or chemicals or other hazardous activities as might be found in e.g. an industrial workplace.

Given the proximity to ACT hospitals, employees are considered to have adequate access to appropriately trained ambulance and hospital staff in the event of an injury. Travelling first-aid kits will be provided to staff working in the community.

Staff voluntarily nominating as, or already certified as First Aid Officers will be trained at a certification level suitable for the agency’s needs, without cost to the employee. In the event of an employee being required by EveryMan to have First Aid training as part of their duties, an allowance will be paid at $8.00 per week, on a pro rata basis.

## Clothing and Footwear

Employees are responsible for ensuring that their clothing and footwear are appropriate to their duties and able to provide a reasonable level of protection against injury.

Light footwear such as thongs or sandals (overly open style or made of lightweight materials) do not meet this requirement and should not be worn when at work.

EveryMan may provide protective clothing if required for employees working in situations or settings where there are specific concerns about employee safety. Employees are expected to wear such clothing in situations or settings as directed by their supervisor

## Domestic and Family Violence Policy

EveryMan Australia is strongly committed to providing a healthy and safe working environment for all employees. It is recognised that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence (DFV), that may affect their attendance, performance at work or safety.

DFV occurs when one person in a relationship (a partner, ex-partner or family member) uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive, or aimed at controlling or dominating the other person through fear. DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

EveryMan Australia leaders, managers, supervisors and all employees are committed to making EveryMan Australia a great place to work. EveryMan Australia can make a significant difference to employees affected by DFV by providing appropriate safety and support measures.

DFV is unacceptable in any setting, including the workplace. Any EveryMan Australia employee who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

All employees have a responsibility to model the public service values, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by DFV.

Fostering a workplace culture where employees affected by DFV are supported in the workplace, contributes to a healthy and safe working environment for all.

### Confidentiality and disclosure

EveryMan Australia employees have the right to choose whether, when and to whom they disclose information about being affected by DFV. This policy does not override any legal obligations to disclose information.

Information disclosed by an employee in relation to DFV will be kept confidential, except to the extent that disclosure is required or permitted by law.

### Awareness raising

EveryMan Australia will make available and promote the online awareness raising program, [Recognise, Respond, Refer: Domestic Violence and the Workplace](https://sas.elluminate.com/site/external/jwsdetect/nativeplayback.jnlp?sid=vclass&psid=2014-05-21.1641.D.FCD6C0C66BB0C6E122BFC4D63A393F.vcr), (see ‘Workplace and DV link’ in Resources table on Staff Page) jointly developed by the Queensland Government and Australia’s CEO Challenge. All employees are strongly encouraged to complete the program.

EveryMan Australia will ensure that information on support options are made available to employees.

### Support options available to employees

There are a number of support options available to assist employees affected by DFV. In relation to clauses 4.3.3 to 4.3.6, these arrangements should be reviewed at regular intervals to ensure that they are appropriate.

### Documentation

When an employee is requesting access to DFV leave and other support options, supervisors, managers or CEO are required to request that evidence of the occurrence of domestic or family violence be provided if and when it is available.

EveryMan Australia acknowledges that employees may not be in a position to provide evidence of the occurrence of DFV, and an employee’s access to leave and other support options should not be denied in the absence of supporting documentation. Evidence may include:

* a document issued by the Police;
* a written referral, issued by a registered medical practitioner or registered nurse, to a counsellor trained in providing support in domestic violence situations
* a document issued by a Court, or a counsellor trained in providing support to people experiencing the effects of domestic violence
* written confirmation from an Employee Assistance Program provider or from a domestic violence support service that the employee is experiencing domestic violence issues

Any related communications must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

### Leave entitlement

Leave for domestic violence purposes is available to employees who are experiencing domestic or family violence to allow them to be absent from the workplace to attend counselling appointments, legal proceedings and other activities related to, and as a consequence of, domestic violence.

Leave for domestic violence purposes is available to all employees, with the exception of casual employees, who are entitled to access leave without pay for DFV purposes.

An EveryMan Australia employee experiencing domestic or family violence will have access up to a maximum of 15 days per calendar year paid leave. Leave for DFV purposes is non-accumulative.

The reasons may include, but are not limited to, attending medical, legal, police or counselling appointments; attending court; organising alternative accommodation, child care or school attendance arrangements for the purposes of attending to matters arising from DFV or supporting the person affected by DFV.

Leave should be granted where the CEO is satisfied that the employee requires leave because the employee is affected by DFV. However, leave should not be denied in the absence of supporting documents.

The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days or as part days.

The employee may also access further paid or unpaid leave, including special leave, sick leave, carers leave, recreation leave, long service leave or other accrued time to attend to matters arising from DFV—this will be in accordance with the directives relating to each type of leave.

Employees wishing to access leave for domestic or family violence purposes should discuss making an application with their supervisor or management as soon as reasonably practical.

As a general rule, a leave application should be submitted by an employee for approval service before the commencement of the leave. However, retrospective applications may be approved provided that appropriate evidence is provided as soon as reasonably practicable upon the employee’s return to the workplace.

### Work performance and attendance

* Work performance or attendance may be influenced by factors not connected with work. Employees will be supported and encouraged to raise concerns about their personal circumstances, including whether DFV is a contributing factor to work performance and attendance.
* Tt may also be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time. Regular reviews, a return to work plan and a performance improvement process may still be required.

### Flexible working arrangements

EveryMan Australia will provide employees affected by DFV with access to flexible working arrangements. Employees are encouraged to discuss their needs with their managers in the first instance.

# Employee Assistance Program

## Background and Overview

EveryMan places a very high priority on the overall quality of working life for staff, with a particular emphasis on the availability of work and life balance arrangements intended to assist staff members work in ways which fit both their personal needs, and those of EveryMan. To assist staff in this regard EveryMan offers an Employee Assistance Program (EAP), a short-term intervention strategy designed to give staff the opportunity to promptly address issues of immediate concern to them.

Staff who require longer-term assistance will need to consider making private arrangements, which can be either with the assistance of the EAP counsellor, or with some other provider.

## Policy Purpose

The purpose of this policy is to provide a framework for the effective operation of an EAP at EveryMan, and to give guidance to staff and supervisors when employees need to access the Program for assistance with work-related and/or personal issues are affecting your work (e.g. being absent, work performance affected, difficulties in relationships with other EveryMan staff or clients). EveryMan’s Employee Assistance Program (EAP) provides staff, including nominated supervisors and managers, with access to the following confidential services:

* external counselling assistance to staff and members of their immediate family members
* mediation for staff and/or their managers
* assistance for managers in dealing with issues relating to their roles
* critical incident debriefing or trauma counselling

Benefits of EAP

The benefits of using EAP may include:

early identification and resolution of issues with an objective and professional practitioner;

reducing the impact of trauma or stress, thus reducing the likelihood of ongoing distress;

increased contentment and productivity at work;

EAP services are available to assist staff who are seeking to address personal or work-related issues which may benefit from therapeutic support including:

* grief and/or loss, or other personal trauma (including experience of family violence)
* family and relationship difficulties
* alcohol or substance abuse, gambling or other addictions
* dealing with work or life change
* financial or health concerns

EveryMan Counsellors

Counsellors employed by EveryMan are employed to provide support services to clients only. From time to time they may be asked to provide limited debriefing (e.g. immediately after a distressing incident), but this support may not be given without prior authorisation by the CEO and will be strictly limited to a single session. Should further support be required, staff will be referred to the EAP.

## Access to Services

When the need arises, the staff member is to request an EAP appointment by approaching the EAP service provider directly.

When accessing EAP services for any session to which the staff member is entitled under c) below, permission is NOT required for the staff member to use the EAP service.

A staff member, including members of the staff member’s immediate family, may normally access a total of 3 one-hour sessions per calendar year, paid for by EveryMan. Should additional sessions be required, the provider may refer the staff member to an appropriate external agency, or arrange for the staff member to continue with the provider in a private capacity at the staff member’s expense.

In exceptional cases, and on the recommendation of the counsellor and/or at the request of the staff member, the CEO may approve up to three additional visits, which will be funded from the relevant program budget. Authorisation to access additional EAP services may not be unreasonably withheld.

In the case of requests under d), the CEO may require that scheduling additional sessions take into account work commitments known at the time the appointments are made.

## Confidentiality and Privacy

All consultations will be conducted in complete confidence between the staff member and the EAP counsellor. EveryMan may obtain statistical data on the broad categories and frequency of access and use of the EAP provider to ensure that the funding support to the service is adequately maintained. Such data will not include names of persons using the EAP services.

## Attendance at EAP sessions

* A staff member who attends an EAP session during working hours shall be regarded as being on duty, provided that the session is funded by EveryMan.
* Where appropriate, appointment times during working hours are to be made with the need to avoid disruption to service delivery to clients.
* As all staff are required to advise a supervisor of a need to be absent from the workplace, notice of attendance at an EAP session is required when scheduled during working hours.
* Employees wishing to keep their attendance at an EAP session private and confidential will need to make an appointment outside of working hours.

## Grievances

Any incident in which an employee takes adverse action against an employee because of the other employee’s accessing the EAP service will be managed under the provisions of the EveryMan Operational Policy and Procedures Manual, 11.14 Adverse Action and Victimisation.

Any grievance arising from the application of this policy at EveryMan shall be managed using EveryMan’s Operational Policy and Procedure guidelines under 5.15 Complaints and Dispute Resolution Procedure and 5.1.6 Internal Complaints Procedure.

## Policy Review

EveryMan may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the CEO.

## Further Assistance

Any staff member who requires assistance in understanding the provisions of this policy should first consult their nominated supervisor. Staff needing further advice and/or information concerning the range of services available from the EAP provider should contact the Client Services Manager or Operations Manager.

## Other workplace support and role adjustments

EveryMan Australia may also consider:

* workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures
* supporting employees to have the workplace included in a Domestic Violence Order, where appropriate
* providing other support and reasonable adjustments in the workplace, such as:
* job redesign or changes to duties
* changes to working hours or patterns of work
* alternative suitable employment in other teams, offices and locations
* changes to email address and telephone numbers
* secure parking.

# Inappropriate behaviours

## Equal opportunity

Unlawful discrimination means treating a person less favourably because of a personal attribute they have which is covered by equal opportunity laws. Under the ACT, New South Wales and Federal equal opportunity laws, discrimination based on the following attributes is unlawful:

* sex,
* race, colour, nationality, descent, and ethnic, ethno-religious, or national origin,
* family responsibilities (dismissal only),
* disability,
* age,
* compulsory retirement,
* pregnancy,
* marital status,
* racial vilification,
* homosexual vilification,
* HIV/AIDS vilification, and
* Transgender vilification.

These attributes are in most cases irrelevant to employment decisions, and it is EveryMan’s policy to ensure that they are not taken into account when employment decisions are made. It is also company policy that no employee be harassed because of any of the above attributes.

The policy applies to all aspects of the employment relationship including: recruitment, promotion, employee benefits, conditions of employment, remuneration, transfer, discipline, training, work environment, supervision, termination of employment.

## Harassment

Unlawful harassment is any behaviour which is based on one of the above attributes and which is *unwelcome* and *offends, humiliates or intimidates* the person being harassed. The fact that no offence was intended does not mean that the harassment in not unlawful.

The most common form of harassment is sexual harassment. Examples of sexual harassment include: unwanted touching, indecent or sexual assault, sexual propositions, nude pin-ups and posters, obscene telephone calls, persistent requests for outings or dates, leering or staring, wolf whistling, offensive or obscene language and crude jokes.

Sexual or other types of harassment will not be tolerated at EveryMan. Disciplinary action will be taken against those responsible when it does occur.

### Clients

Our clients and customers are protected by the law from being discriminated against or harassed. All employees of EveryMan are required to ensure that they treat customers fairly and do not discriminate against them or harass them on the basis of any of the above attributes.

### Responsibilities

All employees have a responsibility for treating each other fairly and with respect. The Board of Directors, CEO, Managers, supervisors, HSRs and employees all have a role to play implementing this EEO policy.

Managers and supervisors must ensure that they do not discriminate against or harass employees or clients when performing their jobs. If they observe discrimination or harassment happening, they should take the appropriate steps to stop it. Individual employees must also ensure that they do not discriminate against or harass other employees, customers or clients.

To ensure that EveryMan’s EEO policy is properly implemented, the HR Manager has been delegated EveryMan’s EEO officer, and is responsible for the following:

* the education and training of all staff on EEO issues;
* liaising with management about EEO issues;
* administering EveryMan’s affirmative action program

### What happens if you have been discriminated against or harassed?

If you feel you have been discriminated against or harassed, you should:

* talk to your Manager or the EEO Officer; they will tell you what your options are; or
* use EveryMan’s grievance handling policy to make a formal complaint.

Any complaint will be dealt with seriously and sympathetically. Confidentiality will be respected at all times.

It is important that you come forward with any complaint you may have. This will ensure that your rights are protected, and other employees are not subjected to the same discriminatory or harassing treatment. All reasonable attempts to resolve the matter satisfactorily will be made in-house.

If you are not satisfied with the manner in which your complaint was dealt with by EveryMan, you have the right to take it to an external agency, such as the Anti-Discrimination Board or the Human Rights and Equal Opportunity Commission or your union.

### Further information

For further information about this EEO policy, workplace harassment or related issues, pleases contact:

* Your Manager
* the Human Resources Manager

## Sexual Harassment

### Policy

EveryMan is committed to ensuring that the organisation at all levels, i.e. the Association, the Board of Directors, employees, volunteers, service users and visitors in the work environment, is free from sexual harassment and there are adequate measures in place to prevent and address sexual harassment.

The organisation is committed to preventing all forms of harassment and redressing harassment where it has occurred and undertakes to ensure that harassment complaints will be treated seriously, sympathetically and confidentially.

Sexual harassment is unlawful and will not be tolerated under any circumstances. Performance Management and legal action will be initiated against any employee who engages in sexual harassment of any form.

### What is Sexual Harassment?

The Human Rights and Equal Opportunity Commission (HREOC) defines sexual harassment as:

"Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment."

The General Principles relating to Sexual Harassment established from case law (Judgements in Courts) as set out in the Sexual Harassment Code of Practice from HREOC, are as follows:

* Sexual harassment can involve physical, visual, verbal or non‑verbal conduct of a sexual nature which is uninvited and unwelcome.
* Sexual harassment is a legally recognised form of sex discrimination.
* Sexual harassment can breach an employer's common law duty to take reasonable care for the health and safety of employees.
* Sexual harassment can be a breach of occupational health and safety legislation.

Sexual harassment can take various forms. It can involve:

* Behaviour which is accompanied by a direct or implied threat, benefit or promise;
* Behaviour which creates a sexually permeated or hostile working environment: and
* Behaviour that would also be an offence under the criminal law (for example, physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual and reciprocated.

The intention or motive of the alleged harasser is not relevant when determining whether the behaviour was unwelcome. Sexual harassment focuses on how the conduct in question was perceived and experienced by the recipient rather than the intention behind it.

The unwelcome behaviour need not be repeated or continuous. A single incident can amount to sexual harassment.

A complaint of sexual harassment will not be dismissed just because the person subjected to the behaviour did not directly inform the harasser it was unwelcome.

However, there does need to be some indication from the person's conduct or the surrounding circumstances that the behaviour was unwelcome.

#### Some Examples of Sexual Harassment in the Working Environment

* Uninvited touching, including uninvited kisses or embraces;
* Sexually explicit conversation, including smutty jokes or comments;
* Making promises or threats in return for sexual favours;
* Displays of sexually graphic material including posters, pinups, cartoons, graffiti, or messages left on notice boards, desks or common areas;
* Repeated invitations to go out after prior refusal;
* “Flashing" or sexual gestures, sex‑based insults, taunts, teasing or name-calling;
* Staring or leering at a person or at parts of their body;
* Unwelcome physical contact e.g. massaging a person without invitation or deliberately brushing up against them;
* Touching, or fiddling with a person's clothing e.g. lifting up shirts or skirts, flicking bra straps or trouser flies, or putting hands in a person's pocket;
* Requests for sex;
* Persistent questions or insinuations about a person's private life; and
* Offensive phone calls, letters or e‑mail messages.

Sexual harassment is unlawful in any circumstances, not only in working hours or in the work place itself. Unacceptable behaviour is also unlawful in any work-related context, including conferences, work functions, office Christmas parties and business or field trips.

### Criminal Behaviour

Some types of harassment may also be offences under the criminal law. These include: Physical molestation or assault; Indecent exposure; Sexual assault; Stalking; and/or Obscene communications (telephone calls. letters, emails, etc).

### Organisational Aims with Respect to Sexual Harassment

EveryMan aims to:

* create an environment that is free from sexual harassment, where all members of staff are treated with dignity, courtesy and respect;
* implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities (The implementation of this Policy and Procedures is one such measure.);
* provide an effective procedure for complaints based on the principles of natural justice;
* treat all complaints in a sensitive, fair, timely and confidential manner;
* guarantee protection from any victimisation or reprisals;
* encourage the reporting of behaviour that breaches the sexual harassment policy; and
* promote appropriate standards of conduct at all times.

### Employer Responsibilities

The following responsibilities apply to all EveryMan staff and to its CEO:

An employer must not sexually harass:

* An employee or volunteer or prospective employee or volunteer or a student;
* A contract worker
* A service user or any other person providing or offering to provide goods, services or facilities

An employer must not engage in any act of victimisation and must not cause, instruct, induce, aid or permit another person to commit an act of sexual harassment

### Staff Responsibilities

The first responsibility of each staff member is to not engage in any form of sexual harassment.

In addition, all staff must:

* Comply fully with this policy;
* Offer support to anyone who is being harassed and let them know where they can get help and advice; and
* Maintain complete confidentiality if providing information during the investigation of a complaint.
* Refrain from spreading gossip, rumours or innuendo. Such behaviour in itself can lead to defamation action and is unfair in itself.

### Procedures to follow

#### How to Make a Complaint

Within the Organisation ‑ Contact Officers

Within EveryMan, a complaint of sexual harassment may be lodged with the CEO or with a member of the Board of Directors. The person chosen is a Contact Officer for the purposes of the following sub-clauses. The choice of person to whom a complaint is raised is entirely a matter of choice for the complainant. The role of these Contact Officers is to:

* listen to the complaint sympathetically, but without making prejudgments about the substance of any complaint;
* assist the complainant to document the claim of sexual harassment;
* explain what constitutes sexual harassment and answer any questions;
* provide information on internal options available to deal with sexual harassment complaints;
* inform the individual of their rights under anti‑discrimination law (including the right to take the complaint directly to the federal Human Rights and Equal Opportunity Commission or the ACT Human Rights Office);
* discuss possible strategies the individual can use to deal directly with the harasser, but only if this is the individual's referred course of action (Contact Officers can accompany if requested);
* provide general information on sexual harassment and the organisation's policy and procedures to any interested staff member;
* refer the individual to counselling or other support services, including any EveryMan Employee Assistance Programme provider; and
* participate in complaints investigation and resolution team, but only where they have not been directly involved in assisting a complainant in a particular instance as described above.

### Investigation and Resolution Procedures:

#### Informal Resolution

The Contact Officer may assist the complainant to resolve their concerns informally, without recourse to the more formal process of investigation and resolution referred to below. Informal procedures are usually appropriate where:

* the allegations are of a less serious nature but the individual subjected to the behaviour wants it to cease nonetheless; or
* the individual subjected to the behaviour wishes to pursue an informal resolution; or
* the parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained.

Complainants shall have the right to choose the formal approach at any time and shall be informed of this right by the Contact Officer.

If an informal complaint is resolved without recourse to a formal investigation and action recommendation process, the officer who receives the complaint shall make a brief note recording the alleged incident and any action taken to resolve the complaint.

This record shall be provided to the CEO who shall maintain a confidential file for this purpose.

Details of any unsubstantiated complaint shall not be placed on any individual employee's personnel file.

#### Formal Resolution

Formal procedures focus on:

* proving whether a complaint is substantiated,
* identifying and implementing appropriate action in response to formal complaints of sexual harassment.

Formal procedures are appropriate where:

* the complainant seeks formal resolution of a complaint;
* informal attempts at resolution have failed;
* the person alleging sexual harassment has been victimised;
* the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
* the complaint is against the CEO or member of the board. formal procedures may help to ensure that the complainant is not victimised or disadvantaged; or
* the allegations are denied, the person who claims to have been harassed wishes to proceed and an investigation is required to substantiate the complaint.

### Complaints Investigation and Resolution Team

The team shall comprise of the CEO and one other Contact Officer, provided that there is a gender balance on the team. Where appropriate, an external Contact Officer will be sought in order to maintain the gender balance of the Complaints Investigation and Resolution Team. In normal circumstances, any Contact Officer who assists a complainant to document a claim or assist in the resolution of an informal claim shall not participate as a member of the team that investigates a formal complaint. The role of the team will be:

* To conduct a fair investigation in response to any formal complaint and interview any witnesses as necessary;
* To make findings on the substance of any formal complaint;
* To resolve the formal complaint through conciliation where appropriate (only where agreed to by the complainant); and
* To report to the President of the Board on the investigation and where appropriate make recommendations for action.

The CEO shall maintain a confidential file to record all details of a formal complaint at all stages including investigation, findings, recommendations and action. The Investigation and Resolution Team will accurately document all interviews with the complainant, alleged harasser and any witnesses.

Records of interview will contain as much factual information as possible including times, dates, and details of specific incidents and frequency of occurrence.

Both members of the Complaints Investigation and Resolution Team will attend each interview. The interviewee may be accompanied by a representative of their choice.

Where a complaint is made against any individual who has a role to play in investigating allegations of sexual harassment the person concerned will take no part in the investigation of the allegation.

### Access to Information

Any person interviewed will be given the opportunity to peruse, correct and endorse their record of interview.

Any interviewee shall be provided with a copy of the record of their interview but will not be given access to anyone else's statement or record of interview.

Only members of the Complaints Investigation and Resolution Team and the CEO will have access to the confidential file. The file shall be kept in the EveryMan safe. The combination will be held only by the CEO, and the President of the Board of Directors. All typed material will be recorded on disk only (CD-ROM) and the disk or disks kept with the confidential file.

Information on the file may be released to authorised officers of the federal Human Rights and Equal Opportunity Commission or the ACT Human Rights Office or by order of any Court of competent jurisdiction. EveryMan may utilise this information to satisfy an external body that the action it has taken has been appropriate in the circumstances.

If a formal complaint against an employee is found to be substantiated, a summary of the complaint, the finding and the action taken shall be recorded on the employee's personnel record. Decisions on what action shall be taken will be made by the CEO, who will receive a report of findings and recommendations from the Investigation and Resolution Team.

Findings on personnel files may be removed at the request of the employee involved after a period of three years, if there has been no repetition of the behaviour and the CEO deem removal from the record as appropriate in the circumstances.

### Allegation made about the CEO

If an allegation is made against the CEO, the allegation will be referred to the President of the Board of Directors by the Contact Officer receiving the complaint or by the complainant.

The Board will appoint an Investigation and Resolution Committee to investigate and make recommendations to the Board, excluding the CEO, in accordance with paragraph 3.6.9.1 above

In this case the President shall maintain a confidential file to record details of the allegation, investigation and resolution processes.

The investigation shall be carried out using methods consistent with the provisions of 5.13.9; and

The Board will decide appropriate action in circumstances where a complaint is proven.

### Allegation made about a member of the Board of Directors

The matter shall be referred to the Board for investigation and resolution in accordance with 5.13.9 above. The Board will appoint an Investigation and Resolution Committee, excluding the Board member against whom the complaint has been made, to investigate and make recommendations to the Board. The Board will decide appropriate action in circumstances where a complaint is proven.

### Outcomes

Outcomes can include any combination of the following.

* Counselling;
* Performance Management action against the harasser (Depending upon the nature and seriousness of the harassment, this may include counselling, a warning or dismissal.);
* Performance Management action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
* Formal apologies;
* Mediation or conciliation with an impartial third party where the parties agree to a mutually acceptable resolution;
* Reimbursement of any costs associated with the harassment; and/or
* Re‑crediting of any leave taken by the complainant that resulted from the harassment

Where the harassment was substantiated, EveryMan will ensure that the person against whom the harassment occurred is not disadvantaged in any way.

### Natural Justice Principles

When a complaint is made or when any unfavourable witness statements are recorded, the person against whom an allegation has been made shall be treated in strict accordance with principles of natural justice:

* They shall be fully informed of any allegations made against them;
* They shall be given the opportunity to state their case, provide an explanation or put forward a defence;
* They shall be afforded a proper investigation of the allegations (i.e. that all interested parties have been heard and relevant submissions considered); and
* They shall be afforded fair decision-making that is without bias.

The standard of proof adopted in this area shall be based on the civil standard ‑ on the balance of probabilities. If there is insufficient proof according to the required standard, EveryMan nonetheless undertakes to remind those involved of expected standards of conduct; conduct further training and awareness-raising sessions with staff; and monitor the situation carefully.

### Representation

Should any employee wish, they may seek the assistance of their Union representative, support person, advocate or other representative to help them deal with any sexual harassment issue and to accompany them to any interviews or meetings.

### Adverse Action and Victimisation

It is unlawful for any person to commit any act of victimisation or reprisal against another person and legal penalties include substantial fines and imprisonment. EveryMan will not tolerate any victimisation of or reprisals against an employee making a complaint about sexual harassment.

The person about whom any complaint is lodged must treat the complainant and any witnesses with respect at all times. Any act of victimisation or reprisal in itself will result in disciplinary procedures.

### Complaints to Human Rights and Equal Opportunity Commission

An employee has the right to lodge a complaint under the Sex Discrimination Act through the ACT Human Rights Office. No attempt will be made by the organisation or anyone in the organisation to dissuade an employee from exercising their rights to lodge a formal complaint in this manner. Employees who lodge formal complaints shall be informed of their right to proceed in this manner.

Complaints under the Sex Discrimination Act must be made in writing. The complaint, which needs to be signed by the complainant, should include the following information:

* Name and contact details of the complainant;
* Name and contact details of the person and/or organisation that is the subject of complaint (the respondents);
* The type of discrimination or harassment being alleged;
* Details of the allegations;
* Where and when the alleged discrimination or harassment occurred:
* Names of any potential witnesses or third parties who could provide relevant information;
* Details of any actions already undertaken (e.g. with management, union etc.); and
* Copies of any relevant documents.

Complaints should be made within 12 months of the harassment or discrimination occurring. If a complaint is made outside this time frame, the Sex Discrimination Commissioner has discretion not to accept it unless there is good reason. The Commission can provide advice on the processes for investigating or otherwise dealing with the complaint.

## Workplace Bullying

EveryMan is committed to providing a workplace that is free from bullying. Working relationships and standards of behaviour between staff are important workplace issues. EveryMan’s Code of Conduct sets out principles for behaviour required in the workplace, including that:

* all people should be treated with respect; and
* all staff should develop an awareness about the impact of their behaviour on others.
* Further, EveryMan considers it to be a fundamental obligation of all employees to behave appropriately in the workplace. Bullying in the workplace is inappropriate and unacceptable behaviour, and that staff found to have either committed or condoned such behaviour in the workplace may be subject to disciplinary action.

Providing guidance, conducting performance counselling, invoking unsatisfactory performance procedures or misconduct procedures does not in itself constitute bullying. Management and Coordinators are expected to offer constructive advice and comment as part of their role in a way that does not demean or humiliate.

### What is Bullying?

 Bullying is defined as the repeated less favourable treatment of a person by another or others in the workplace which may be considered unreasonable and inappropriate in workplace practice. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate undermine or threaten.

 Bullying is physical or psychological behaviour or conduct where strength (including strength of personality) and/or a position of power is misused by a person in a position of authority or by a person who perceives that they are in a position of power or authority.

 Bullying is normally associated with an ongoing systematic pattern of behaviour. An isolated incident of behaviour is not considered bullying but may of course lead to action being taken against the perpetrator based on that single incident.

 Bullying may be perpetrated by an individual who may be a work colleague, a Coordinator or Manager or a person who reports to the individual being subjected to the alleged bullying. A bully may be male or female.

### Overt bullying

Examples may include:

* abusive behaviour towards another employee such as threatening gestures or actual violence
* aggressive, abusive or offensive language, e.g. threats, shouting or demeaning remarks
* constant unreasonable and unconstructive criticism

### Covert bullying

Examples may include:

* deliberate exclusion, isolation or alienation of the employee from normal work interaction, such as intentionally excluding the employee from meetings
* placing unreasonably high work demands on one employee but not on others
* allocation of demeaning jobs or meaningless tasks only
* unreasonably ignoring the employee
* undermining another employee, including encouraging others to "gang up" on the employee
* deliberately withholding information that a person needs to exercise her or his role or entitlements within the workplace.
* repeatedly refusing requests for leave or training without adequate explanation or alternatives.

### Effects of bullying

 Bullying in the workplace can result in absenteeism, reduced staff productivity and motivation, and loss of experienced and skilled staff through resignation. Bullying may also have significant social and health costs for individual staff, including loss of confidence, increased anxiety, depression, loss of sleep, headaches and increased blood pressure. Bullying can also affect others in the workplace in a similar way, even when they are only witnesses to the bullying and are not subject to the bullying themselves.

 In addition to productivity and staff turnover issues, bullying has a seriously negative effect on the workplace through both management time in dealing with the problem and potential legal implications.

### Responsibilities of Staff

 Staff have a responsibility to ensure that their actions do not negatively affect another staff member's career, health or well-being and are consistent with EveryMan’s Code of Conduct. This includes not condoning bullying by failing to do anything about it, such as raising the matter with the bully or with a supervisor.

 A staff member found to have bullied another staff member or to have condoned workplace bullying may be subject to disciplinary action.

 Ideally, staff should attempt to resolve issues of workplace bullying at the local level by:

* raising the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of workplace bullying;
* following the informal complaints guidelines of the Complaints and Dispute Resolution policy (see 10. below), or
* involving their Coordinator

If the issue is not resolved in this way, an employee may:

* raise the matter with the CEO, Client Services Manager or Operations Manager.;
* lodge a formal complaint in accordance with the Complaints and Dispute Resolution policy (see 10. below).
* seek advice from their union if he/she is a union member.

### Responsibilities of Supervisors

Supervisors have a responsibility to provide a safe work environment that enables staff to carry out their work responsibilities free from bullying. This includes investigating complaints of bullying expeditiously, thoroughly and in accordance with due process. Supervisors should be fully aware of the adverse consequences of not dealing with instances of bullying as outlined above.

Supervisors should be alert to the possibility of workplace bullying and should monitor key indicators such as workplace culture factors, high absenteeism and high staff turnover.

Supervisors are encouraged to identify training needs for themselves and their staff. It is recommended that supervisors seek advice from another member of the management team where the management person to whom they report is that person alleged to be bullying another staff member, when dealing with actual or potential workplace bullying.

## Dispute and Complaint Resolution

### Broad Principles

Working at EveryMan can expose staff to personally and professionally challenging experiences. To work with these, staff follow established policy and procedures, or agreements reached in team discussions or in conversations with supervisors or EveryMan management.

When guidelines and supports don’t help, individual differences and disagreements can lead to confusion and conflict. It’s important to have clear procedures for handling differences and disagreements, so that everyone knows what to do and how to do it.

Most of the time we should be able to find a way of continuing to work well together, minimising opportunities for miscommunication and escalation of personal feelings

EveryMan employees are expected to manage their part in disputes or disagreements with others in a professional manner consistent with the principles of human rights, and to ensure their communication with the other parties is respectful, fair and without personal abuse or aggression. Where resolution is not readily forthcoming, employees are to follow this dispute and complaint resolution procedure.

Disagreements can be a sign of personal differences in areas such as perceptions, beliefs, experiences, training, values and personal priorities. Their presence shouldn’t be assumed to indicate problems, as they can provide us with extra options, depth and flexibility, promote growth, and encourage reflection on our practice and assumptions.

Individuals with different ideas should not to be treated with less respect because they have different points of view.

At the same time, no one is entitled to manipulate proceedings by misuse of procedures intended to promote fairness and respectful behaviour.

### Responsibility, Authority and Direction

Some disagreements come from confusion over areas of responsibility, especially when a staff member has given their view about an issue (e.g., in a meeting) but doesn’t see that view reflected in the final decision. It can also happen when a person with decision-making responsibility makes a decision without consulting other staff, or when staff were consulted but felt that their views didn’t get sufficient hearing. To be clear about how decision-making responsibility is allocated, staff members need to be informed about the roles and responsibilities of each position, e.g. by reading the program’s duty statements.

EveryMan’s Board is responsible for governance and strategic and risk planning for the organisation, and for all programs and services. Responsibility is delegated to staff for day-to-day service delivery and administration. With delegation comes supervision and the responsibility for deciding how the supervised person is to carry out their duties. This includes the CEO, who is accountable to the Board for achieving the strategic plan, management of strategic risks and implementing the stakeholder strategy; in addition to the day-to-day management of the operations of the Association (3.1 Board Manual).

EveryMan’s management practice is based on a process of consultation and collaboration whenever possible, which is a common framework for agencies in our sector. A person with delegated responsibility may consult but will eventually have to decide. While consultation and discussion can be preferable options, decisions can be made without seeking staff input.

### Reasonable and Lawful Direction

Employees shall follow any reasonable and lawful direction given by any person having the authority to make or give the direction. If an employee has a concern that the direction is:

* potentially damaging to the interests of clients or staff
* likely to damage the reputation of a program or EveryMan
* illegal or influenced by a conflict of interest
* a breach of the Code of Conduct or professional ethics
* likely to affect the proper functioning of the service or work area,
* an unauthorised deviation from established procedure
* a breach of contractual requirements

they may appeal to the CEO, Client Services Manager or Operations Manager against being required to carry out the direction.

If the finding is that the direction does not contravene any of these or other workplace conduct standards the staff member shall comply with the direction (see 4.13.4 Following Directions).

### Following Directions

#### Responsibility for raising concerns

All employees should respect that their colleagues have a responsibility to discuss ideas and practices within their program as they relate to their duties and to EveryMan’s duty of care to our clients. If they have concerns or disagreements, it is a demonstration of professional conduct to raise them, and it is unacceptable for any staff member to receive adverse treatment for raising an issue.

Generally, subsequent conversations about differences about practice, including when a staff member has a very strong personal issue with the decision (e.g. a values conflict), will take place during supervision. If the employee still feels resolution hasn’t been sufficiently explored, the matter may be taken to a person at the next level of responsibility.

If the matter hasn’t been raised in supervision, the staff member will generally be directed back to the person making the decision, to address it there first.

#### Responsibility for decision-making

If there is a direction given that there will not be further discussion at that time, you are to refrain from continuing to debate the issue. Discussion should then come to an end.

If you continue to disagree with the decision made, another opportunity to continue the conversation at another time may be arranged, but this will be subject to the agreement of the involved parties.

Until then, you are obliged to carry out and otherwise fully support the decision, with the understanding that the person giving the direction has a responsibility to decide about the matter concerned.

Bringing a conversation to a close does not itself qualify as adverse treatment. Roles and responsibilities are determined by the position in which staff members work and by broader standards of professional conduct, and management and Coordinators are required to make decisions and give directions within the area of their responsibilities.

Feeling frustration that a discussion has been ended is not itself evidence of adverse treatment.

### Discussing disagreements

Use the following as a guide to your discussions to maintain respectful communication.

* Look to establish and maintain trust, mutual respect and good faith to help deal with differences and minimise conflict.
* Don’t assume you already know the other person’s reasons or motivations. If you find out what they are, it could change how you see things, and create an opportunity for a conversation very different from the one you were about to have.
* Use active listening - acknowledge that you’re listening to someone else’s point of view, show that you understand and validate it, and then give your point of view.
* Give some space and time if the situation allows, try to explore both points of view, look for any areas of agreement or common ground, and discuss alternatives. Bear in mind that other people have differences in recall, perception, belief and values.
* Remember the difference between blame and responsibility. Identifying responsibility helps people acknowledge their role and plan for doing things differently. Blaming makes people feel bad and makes the offloading of resentment and anger more important than finding a suitable resolution.
* Use ‘I’ statements. Tell the other person about how you have been impacted. Don’t assume you’re right. Check out your perceptions first. ‘When I saw x, that looked to me like you had been doing A, and I started getting frustrated because I thought there was an agreement that we would do B. So, I thought I should check it out with you. What was going on?’
* If you find yourself mostly telling the other person ‘you’ statements, you’re probably criticising or attacking and they’re likely to retreat into defence mode, where it’s much harder for you to get your concern discussed with a good outcome.
* If you’re being critical of something, acknowledge that up front. Don’t pretend, e.g. by saying “Don’t take this personally, but….” and then make a personal criticism.
* Be aware of yourself – notice how you’re feeling, and what you’re saying to yourself which you think justifies those feelings. Remind yourself that your responsibility to act professionally at all times is not dependent on what other people do or say to you. Speak calmly and respectfully. If you can’t, end the conversation.

You are responsible for notifying the CEO and Client Services Manager when your disagreement has not been resolved within a conversation. The CEO (or Client Services Manager in his absence) will convene and facilitate a meeting between the staff members.

### Protocols for Conduct of Facilitated Meetings

Only one issue at a time is to be dealt with. If other things are being brought up, the staff member’s concerns should be acknowledged by arranging to discuss them after the first issue has been resolved.

Use of aggressive and intimidating gestures or language, including raising the voice above acceptable conversational levels, will not be permitted. Any staff member behaving in this way will be asked to stop, and a short break may be offered to assist either party to prepare to resume the conversation.

Complaints about other staff are to be dealt with as an opportunity to resolve problems, and may not be responded to if the staff member making the complaint is unwilling to be involved in a resolution process.

The complaints process is not to be used to encourage supervisors to share a complainant’s opinions about a staff member’s personality. Complaints must be about specific behaviours, actions and language.

Exceptions may be made at the discretion of the CEO, particularly in situations where the complaint is a significant one which may result in the other employee facing EveryMan’s disciplinary procedures, dismissal or legal action.

## Internal Complaints Procedure

Generally, employees and volunteers who wish to make a complaint will be expected to, as a first step, follow the guidelines for EveryMan's normal internal feedback arrangements. However, it is recognised that any employee or volunteer may seek to bypass this process and go straight to EveryMan Complaints procedure.

The EveryMan internal complaints procedure takes a human-rights based approach to resolving complaints in a non-discriminatory fashion with appropriate regard being given to concerns of the complainant. The specific needs of a complainant to overcome a disability, or where specific communication requirements exist, will also be addressed. In addition, all complaints should be handled confidentially or on a non-attributable basis if possible, subject to principles of natural justice as they may apply to either party.

Any EveryMan employee responsible for the conduct of any review of a complaint is expected to ensure that principles of natural justice have an overarching determination of the conduct of the process. This includes ensuring that the decision maker acts fairly and without bias, and any employee affected by a decision is fully informed of the details of any case against them, and given the right to put their case. The review must be fully documented for the Board.

### Making a Complaint About a Colleague

For informal complaints, concerns are discussed verbally in the first instance, either with the person directly (using appropriate communication), your supervisor or with a Contact Officer.

Written complaints should be lodged with the CEO or with a member of the Board of Directors. The person chosen is a Contact Officer for the purposes of this procedure.

The choice of person to whom a complaint is raised is entirely a matter of choice for the complainant.

The role of Contact Officers is to:

* Listen with empathy and without making prejudgments about the substance of any complaint;
* Assist the complainant to document the complaint in a factual and non-emotional manner. If the complainant has already used the ‘Complaints and Feedback – internal’ web form, the Contact Officer can review this with the complainant and, if agreed, help prepare and submit a revised version.
* Explain what constitutes harassment, bullying or other breach of conduct and answer questions;
* Provide information on the internal options that are available to resolve complaints;
* Inform the individual of their rights (including the right to take the complaint directly to the federal Human Rights and Equal Opportunity Commission, the ACT Human Rights Office, Fair Work Ombudsman or WorkSafe ACT or their union);
* Discuss possible strategies the individual can use to deal directly with the respondent but only if this is the individual's preferred course of action (Contact Officers can accompany if requested);
* Refer the individual to counselling or other support services, including any EveryMan Employee Assistance Programme provider; and
* Participate in complaints investigation and resolution team, but only where they have not been directly involved in assisting a complainant as described above.

### Informal Complaint Resolution

Your supervisor or Contact Officer may assist you to resolve your concerns informally, without recourse to the more formal process of investigation referred to below. The Fair Work Ombudsman supports informal resolution as the first step in resolving workplace disputes.

Informal resolution is usually appropriate where:

* The allegations are of a less serious nature but the individual affected by the behaviour wants it to cease nonetheless; or
* The individual affected by the behaviour wishes to pursue an informal resolution; or
* The parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained.

Complainants have the right to go to external bodies such as the Human Rights Commission. However external bodies will generally encourage internal, informal resolution as a first step.

In the end, the CEO has been delegated responsibility and authority by the Board of Directors to decide if the case merits formal investigation, not the employee, although an external body may require an employer to conduct a formal investigation.

If an informal complaint is resolved without recourse to a formal investigation process, the officer who receives the complaint shall make a brief note recording the alleged incident and action taken to resolve the complaint. This record shall be provided to the CEO who shall maintain a confidential file for this purpose.

Details of unsubstantiated complaints will be retained in the Complaints Folder in Smartsheet, not on the employee’s file.

### Formal Resolution

Formal procedures focus on proving whether a complaint is substantiated, identifying and implementing appropriate action in response to formal complaints, including serious allegations of workplace misconduct including bullying or sexual harassment. Formal procedures are appropriate where:

* Informal attempts at resolution have failed;
* The person making the complaint has been victimised;
* The complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties;
* The allegations are denied, the complainant wishes to proceed, and an investigation is required to substantiate the complaint.
* The complaint is against the CEO or member of the Board.
* they may help to ensure that the complainant is not victimised or disadvantaged

### Complaints Investigation and Resolution Team

The team shall comprise of the employee’s program CEO and one other Contact Officer, provided that there is a gender balance on the team. Where appropriate, an external Contact Officer will be sought to maintain the gender balance. In normal circumstances, the Contact Officer who assists a complainant to document a claim or assist in the resolution of an informal claim shall not participate as a member of the team that investigates a formal complaint. The role of the team will be:

* To conduct a fair investigation in response to formal complaints and interview witnesses as necessary;
* To make findings on the substance of formal complaint;
* To resolve the formal complaint through conciliation where appropriate (only where agreed to by the complainant); and
* To report to the Board President on the investigation and where appropriate make recommendations for action.

The CEO shall maintain a confidential file to record details of formal complaints including investigation, findings, recommendations and action. The Complaints Investigation and Resolution Team will accurately document interviews with the complainant, respondent and witnesses.

Records of interview will contain as much factual information as possible including times, dates, and details of specific incidents and frequency of occurrence. Both members of the team will attend each interview. The interviewee may be accompanied by a representative of their choice.

Where a complaint is made against an individual who has a role to play in investigating complaints, the person concerned will take no part in the investigation of the allegation.

### Record Keeping and Access to Information

Any person interviewed will be given the opportunity to peruse, correct and endorse their record of interview. Interviewee shall be provided with a copy of the record of their interview but will not be given access to anyone else's statement or record of interview.

Only members of the Complaints Investigation and Resolution Team and the CEO will have access confidential files, which shall be stored in a secure drive on the EveryMan computer network with access restricted to the CEO and Board President.

Information on the file may be released to authorised officers of the federal Human Rights and Equal Opportunity Commission or the ACT Human Rights Office or by order of any Court of competent jurisdiction. EveryMan may use this information to satisfy an external body the action it has taken has been appropriate in the circumstances.

If a formal complaint against an employee is found to be substantiated, a summary of the complaint, the finding and the action taken shall be recorded on the employee's staff record. Decisions on what action shall be taken will be made by the CEO, after due consideration of the findings and recommendations from the Investigation and Resolution Team.

Findings on staff files may be removed at the request of the employee involved after a period of three years, if there has been no repetition of the behaviour and the CEO deem removal from the record as appropriate in the circumstances.

### Complaints Against the CEO

If an allegation is made against the CEO, the allegation will be referred to the President of the Board of Directors by the Contact Officer receiving the complaint or by the complainant. The Board will appoint an Investigation and Resolution Committee to investigate and make recommendations to the Board, excluding the CEO as the person who the complaint is about.

The President shall maintain a confidential file to record details of the allegation, investigation and resolution processes. The Board will decide appropriate action in circumstances where a complaint is proven.

### Complaints Against a Board Member

The matter shall be referred to the Board for investigation and resolution. The Board will appoint an Investigation and Resolution Committee to investigate and make recommendations to the Board, excluding the Board member against whom the complaint has been made. The investigation shall be conducted consistent with the provisions of clause 1.8. The Board will decide appropriate action in circumstances where a complaint is proven.

### Complaint Outcomes and Actions

Outcomes can include any combination of the following:

* Counselling;
* Performance Management action (depending upon the nature and seriousness of the complaint, this may include counselling, a warning or dismissal.);
* Performance Management action against the complainant if there is strong evidence the complaint was vexatious or malicious;
* Formal apologies;
* Mediation or conciliation with an impartial third party where the parties agree to a mutually acceptable resolution;
* Reimbursement of costs associated with the impact of the conduct;
* Re‑crediting leave taken by the complainant because of the impact of the respondent’s conduct.

Where a complaint is substantiated, EveryMan will ensure the complainant is not disadvantaged in any way.

### Natural Justice Principles

When a complaint is made or unfavourable witness statements are recorded, the person against whom an allegation has been made shall be treated in accordance with the following principles of natural justice:

* They shall be fully informed of any allegations made against them;
* They shall be given the opportunity to state their case, i.e. give an explanation or a defence;
* They shall be afforded a proper investigation of the allegations (i.e. that all interested parties have been heard and relevant submissions considered); and
* They shall be afforded fair decision-making that is without bias.

### Standard of Proof

The standard of proof adopted in this area shall be based on the civil standard ‑ on the balance of probabilities.

If there is insufficient proof according to the required standard, EveryMan nonetheless undertakes to remind those involved of expected standards of conduct; conduct further training and awareness-raising sessions with staff; and monitor the situation carefully.

### Representation

If an employee (complainant or respondent) wishes, they may seek the assistance of a Union representative, support person, advocate or other representative to help them deal with complaint resolution.

### Adverse action and victimisation

EveryMan Australia recognises its responsibility under the *Fair Work Act 2009 (Cth)* to refrain from taking ‘adverse action’ against any employees as a result of that employee’s workplace right, the exercise or non-exercise of that right, or the person’s proposal to exercise or not exercise a workplace right in the future.

It is unlawful for any person to commit any act of victimisation or reprisal against another person who has made a complaint against them and legal penalties include substantial fines and imprisonment. EveryMan will not tolerate victimisation of or reprisals against an employee making a complaint.

Respondents must treat the complainant and any witnesses with respect at all times. Any act of victimisation or reprisal will result in disciplinary procedures.

#### Workplace rights

Under the Fair Work Act, a person has a 'workplace right' if they are:

* entitled to the benefit, or have a role or responsibility under a workplace law, workplace instrument or order of an industrial body (for example, an entitlement or benefit e.g. personal leave);
* able to initiate, or participate in, a process or proceeding under a workplace law or instrument (for example, the participation in protected industrial action); or
* able to make a complaint under a workplace law to seek compliance with that law or an industrial instrument (for example, an application to Fair Work Australia for the initiation of unfair dismissal proceedings, or a complaint to the Fair Work Ombudsman).

#### Adverse action

Adverse action refers to action taken by an employer ***or*** employee ***and may include***:

* dismissing,altering or terminating an employee’s position, or discriminating against current employees;
* a prospective employer’s refusal to employ a prospective employee, or discriminating on the terms and conditions on which a prospective employee is offered employment;
* an employee ceasing work in the service of EveryMan, or undertaking industrial action (however protected action would be an exception);
* an industrial association taking industrial action against a person or any action that prejudices a person in their employment (or prospective person’s employment).

#### Other protections under the Fair Work Act

Among other protections, an employer must not take adverse action against an employee:

* on a prohibited ground of discrimination;
* for participating, or not participating, in industrial activity; or
* because the employee is or is not a member of an industrial association.

### Complaints to External Bodies

Depending on the nature of the complaint, an employee has the right to discuss their complaint with external bodies including the ACT Human Rights Office, ACT Safe Work, the Fair Work Ombudsman or their Union.

No attempt will be made by the organisation or anyone in the organisation to dissuade an employee from exercising their rights to lodge a complaint in this manner and employees shall be informed of their right to proceed in this manner.

### Complaints from Clients and Other Persons

Complaints may also be made about EveryMan staff, services or clients by other clients, partners or family members, staff of other agencies, other stakeholders, or members of the public.

EveryMan will respond to any complaint promptly and professionally, ensuring that the complainant receives the best service possible, without regard to the nature or content of the complaint itself.

Entitlement to best service is not contingent on any staff member’s personal view about a complaint or the complainant. service.

Each program will develop and implement additional policies and procedures for managing these complaints where the provisions of this policy are insufficient to address specific circumstances related to the nature of the program and its service context (e.g. location in another jurisdiction).

### Communicating Complaints

Where possible, clients should be encouraged to use the Complaints and Other Feedback web form accessible on the EveryMan website.

Clients may also make complaints by private email or messaging through the EveryMan Facebook page; writing a letter or other document; using the Complaints and Other Feedback paper form accessible from the website or at our office; or a phone call or face to face conversation.

In these cases, the staff member receiving the complaint is to transfer all of the information to the web form for uploading.

If required, an Incident Report should also be completed, and the CEO informed as soon as practicable.

### Confidentiality

Where possible, clients should be advised of their right to make a complaint anonymously.

The matter should not be discussed with others (except the CEO).

It is stressed that no information or advice (apart from any immediate help in preventing continuation of an incident of abuse) should be given to a staff member about whom the allegation has been made. Neither should the client be questioned beyond what is necessary to know the broad nature of the complaint.

It is not for staff to decide guilt or innocence in these matters or to prejudice a colleague's chances of a fair hearing by disseminating information either among those concerned or among others.

A client should be listened to respectfully, thanked and told the complaint will be reported, carefully examined and the best action to be taken will be decided.

### Restricting circulation of complaint

Sometimes the nature of a complaint means that any action to be taken is likely to identify the complainant to staff members involved. In other cases, a complainant may not want specific people to be informed of their communication or be able to read the content. Either case may constrain EveryMan’s capacity to address effectively any shortcomings in service delivery or staff conduct.

In some cases where the nature of the complaint raises serious ethical or conduct issues, EveryMan may not be able to withhold information from staff because an investigation may be required. These issues must be raised with the complainant before proceeding and their options discussed. An Incident Report web form must then be completed.

If staff are unsure what options are available, they should request resolution from the CEO, Client Services Manager or Operations Manager. The Client Services Manager or Operations Manager must inform the CEO, who has final responsibility for the resolution of serious conduct matters.

### CEO’s Role

On receipt of an Incident Report, the CEO should promptly review the Incident Report to ensure it is complete and append any further information relevant. The CEO may also append his/her opinion about the seriousness of the incident.

Where it seems that an offence may have been committed, the Board of Directors should be notified immediately, and EveryMan should not withhold information from the police.

The CEO should immediately determine if any ACT government authority holds any statutory responsibility for the client (e.g. the client may be under an order of the Guardianship and Management of Property Tribunal). Such an authority will generally have the power to decide if further investigations or any other action should be undertaken. If it is decided to undertake an internal investigation, a common procedure in the ACT is for a departmental officer and a representative of the agency to do so jointly. Alternatively, the authority may decide to refer the matter to the police.