G.07 Anti – Aggression, Harassment and Bullying Policy and Procedure

1.0   INTRODUCTION/BACKGROUND
"Bullying is damaging to any business or organisation. It can lead to a loss of productivity, high turnover, increased absenteeism, reduced performance, low morale and may end in costly worker's compensation claims, or legal action.

Bullying can happen in any workplace and is best dealt with by taking steps to prevent it long before it becomes a risk to workers' health and safety. It is easier to prevent bullying than it is to intervene after it has occurred, or to mediate during an established or entrenched pattern of bullying." Workcover Catalogue No. WC05379 (2008)

The comments above apply equally to all workplace aggression, harrassment and bullying.

2.0   SCOPE
The purpose of this procedure is to clearly outline steps to be taken to prevent and/or minimise risks to employees, volunteers, clients, service partners/contractors and visitors associated with acts of aggression, harassment and bullying within Mercy Services, and to respond to such behaviour in the organisation. This policy applies to Mercy Services employees/volunteers who are subjected to aggression, harassment or bullying during their work and covers situations where Mercy Services employees/volunteers are the perpetrators of aggression, harassment or bullying during their work.

3.0   POLICY STATEMENT
Mercy Services is committed to preventing acts of aggression, harassment and bullying towards it's employees, volunteers, clients, service partners/contractors and visitors. In the event that such acts are not prevented all reasonable efforts will be taken to minimise their impact on employees, volunteers, clients, service partners/contractors and visitors and restore a safe environment for all.

4.0   PROCEDURES

This procedure adopts a risk management approach (Identify, Assess, Control) and provide an integrated program for minimising the risk and effect of aggression at work. The strategies will be implemented and run concurrently.

4.1   Identification, Assessment and Control

4.1.1   Identifying Aggression, Harassment or Bullying

Aggression: Includes behaviour that is verbal, physical or implied that is inappropriate, disruptive, offensive or violent. Aggressive

behaviour can escalate from intimidating body language to verbal threats and to physical threats and assault.

Harassment: Any form of behaviour that is not wanted, that offends, humiliates or intimidates, and that concerns the following aspects of the person being harassed: sex; pregnancy; race; marital status; disability; age; carers' responsibilities; homosexuality; transgender status. Harassment can be verbal, physical, implied by body language, contained in print, or by any other means of communication.

Aggressive Incidents: Simple assault including verbal abuse, verbal threats and fear from damage to the physical environment; assault and battery where physical contact and/or minor injuries occur; threats with an offensive weapon without physical injury; aggravated assault requiring medical assistance; serious injury and/or death, assault with an offensive weapon requiring medical assistance; implied aggression and road rage.

Bullying: Is repeated behaviour that is inappropriate, unreasonable and possibly aggressive that causes a health and safety risk in the workplace.

According to Workcover everyone in the workplace is potentially at risk of experiencing bullying. However, some employees may be at higher risk of experiencing bullying, including:
➢ people with a disability
➢ young workers
➢ people who are in a minority group in the workplace
➢ isolated workers.

Examples of bullying behaviour include:
• insults and constant criticism;
• malicious rumours, gossip and innuendo or deliberate exclusion from normal workplace activities;
• behaviour or language that frightens, humiliates, belittles or degrades;
• deliberate exclusion of a worker from normal workplace activities;
• interference with personal property or work equipment;
• intimidation by inappropriate personal comment, belittling opinions or unjustified criticism;
• offensive jokes, whether by spoken word or email;
• assigning meaningless tasks to a worker that are unrelated to their job;
• setting tasks that are unreasonably above or below an employee's ability;

- deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers;
- unreasonably blocking promotion, training, development or other work opportunities; and
- excessive and unreasonable work scrutiny.

Not all behaviour that upsets or offends is bullying. The following situations are examples of non-bullying behaviour:
- difference of opinion;
- poor management practices; and
- reasonable managerial actions to address substandard performance or conduct.

The identification of potential aggressive, harassing or bullying behaviours may involve:
a) information from a new client/volunteer/staff or from their referees/referers before they commence;
b) noting frequency, incidents and persons involved in received Incident Report forms;
c) the day-to-day observation of clients and feedback through staff meetings and communication with carers; and
d) conflict between staff members and/or volunteers and/or members of the public.

4.1.2 Assessing the Potential for Aggression, Harassment or Bullying

Assessment of aggressive, harassing or bullying behaviours may involve:
a) completion of the client risk assessment procedure to include a risk evaluation of aggressive behaviour/violent history;
b) the client care plan and the client review process to include any aggressive behaviour and incidents; and
c) seeking information on the content and context of tensions between staff/volunteers.

In order to assess the potential for aggression, harassment or bullying, the Chief Executive Officer (CEO) or other person supervising affected staff/volunteers will ensure that records are kept of all minor and major incidents, actual or implied.

The WHS Coordinator will check completed Incident Report forms against previous incidents to establish whether there is a trend.

Where aggression, harassment or bullying is found the CEO or other person supervising affected staff/volunteers will investigate the point at which the procedures failed or where they were deficient and will identify suitable remedies.

4.1.3   Preventing Aggression and Harassment

Control measures will be put in place to prevent/minimise risks of aggression, harassment or bullying.

Control measures may include:
- criminal record check conducted on all staff and volunteers upon commencement;
- referee checks for new staff include asking about the persons relationships with colleagues and responses to conflict;
- orientation sessions will state that workplace aggression, harrasment and bullying are unacceptable;
- orientation sessions will state that reports of workplace aggression, harrasment and bullying are encouraged and reporters will be protected from victimisation;
- training sessions will be provided on the benefits of diversity in the workplace and suitable ways of coping with diversity;
- clients and those living in client's home are asked about their history of violence and indicators of unpredicatable behaviour through Client Risk Assessment and Client Home Environement checklists;
- a review of assessments and controls will be implemented following an aggressive incident; and
- Coordinators to complete staff supervision/management training if they have insufficient skills/experience.

4.2   Dealing with Aggression, Harassment and Bullying

4.2.1   General Guidelines

The CEO, employees and volunteers will receive training in how to recognise the possibility of aggression, harassment and bullying, how to respond to such occurrences and their obligations for their own responsible actions.

No personnel, whether CEO, employee or volunteer, is expected to be able to physically defend themselves against a violent physical attack, although they are allowed to use a reasonable level of force to protect themselves. "Reasonable force" is the amount of force used by a person that is considered appropriate for self-protection or to ensure the safety of others. It is a matter of judgment, depending on the threat faced. The general rule is that the amount of force used must be proportionate to the danger posed.

Staff/volunteer need to be aware that their use of social media should not involve aggression, harassment and bullying of Mercy Services staff, volunteer, or clients.

Some general guidelines for diffusing difficult situations may be given to staff and volunteers (Appendix 1 may be used for this purpose). Personnel are only expected to employ these guidelines so far as their training and skills help them to feel comfortable to do so.

4.2.2 Aggressive behaviour

When confronted by aggressive behaviour:
- try to reason with the those attacking others or property and ask them to stop;
- try to remove others and self from the situation or remove the aggressive person from the situation;
- try to alert other personnel;
- leave if attempts to diffuse the violence have failed and there is a real threat of physical damage or lives at risk then call the police; and
- document the incident and inform the Coordinator who will inform the CEO, or, in the absence of the Coordinator, notify the CEO. Other staff will be informed as appropriate.

4.2.3 Major Aggressive Incidents

In the event of a major aggressive incident where physical harm has occurred, the following procedure must be followed:
- first aid and comfort to be sought for those traumatised;
- ambulance and police to be called;
- Coordinator and/or CEO to be notified as soon as possible;
- the scene is to be left undisturbed for the police;
- request witnesses to remain until the police arrive (if this is not possible, obtain their names and contact details);
- if necessary, the family of the employee/volunteer or client are to be contacted;
- personnel involved will be provided with critical incident stress debriefing by the Coordinator and/or CEO and the Employee Assistance Procedure as appropriate; and
- the Coordinator/CEO will document everything that has occurred on the Incident Report form.

4.2.4 Verbal threats

When confronted with a verbal attack, harrasssment or bullying the affected person could:
- assess the emotional/mental state of the aggressor, ie. frustrated , disturbed, under the influence of drugs or alcohol;
- try to accommodate their needs;
- assess the potential for the situation to become physically violent;
- use assertive, non-aggressive language to point out any offence and their wish that it not happen again;
- seek the presence of another staff member if required; and
- document the incident and inform the Coordinator who will inform the Manager, or, in the absence of the Manager, notify the CEO. Other staff will be informed as appropriate.

4.2.5 Reporting aggression, harassment or bullying

All personnel are encouraged to report acts of aggression, harassment and/or bullying. Reports can be made to the relevant program Coordinator, or a member of the Management Team *(Allan Collins, Cathy Hulbert,*

Christine Hopkins, Elvira Johnson, Lawrie Hallinan , Robyn Houston or Roy Hambly).

All reasonable steps will be taken to protect the affected person and reporter from contact with the alleged perpetrator and/or from exposure to further attacks during the investigation.

The report will be handled according to the staff grievance procedure with natural justice and procedural fairness. Within 24 hours an investigator will be nominated. Reasonable efforts will be made to ensure that all parties are comfortable with the person who is investigating the incident.

The investigation must begin before the end of the working day following the report. The person investigating the incident can try to assist the alleged perpetrator understand the injury s/he is causing. If the alleged perpetrator understands and agrees to modify her/his behaviour the situation will be monitored to ensure compliance. It may be beneficial for counselling and/or training to be provided to those involved.

If the alleged perpetrator does not see the problem or if the behaviour continues an independent mediator will be engaged.

If mediation fails and/or if the behaviour continues disciplinary action will proceed.

At any stage any party can involve an advocate.

Investigations and their outcomes will respect the privacy rights of all parties while ensuring that all those who need to know information will receive this information.

A written summary of the investigation findings and agreed actions will be provided to the affected person and alleged perpetrator.

If one of the Management Team or a Board member is the alleged perpetrator s/he will be excluded from investigating or deliberating the incident. If necessary an external investigator will be engaged to ensure impartiality.

In addition to support from their Coordinator staff can also access the Employee Assistance Program for counselling.

4.3   Post Incident Procedures

4.3.1   Monitoring compliance with agreements
The relevant supervisor will regularly check with the affected person to ensure that there is no further aggression/harassment/bullying.

4.3.2   Post-Traumatic Stress

All personnel will be supported following a serious incident, to attempt to reduce the likelihood of post traumatic stress. (See: Post Traumatic Incident Policy)

4.3.3 Reporting to WorkCover

Where there has been an incident of violence supported by a WorkCover medical certificate, or where an incident has had the potential to result in serious risk to health or safety, then the incident must be referred to the NSW WorkCover Authority.

4.4   Compliance
Compliance with this policy is being measured by:
a) 100% of incidents related to aggression/ harassment/bullying show that the Mercy Services response to the incident followed this policy;
b) 100% of WHS Orientation sessions explain this policy;
c) 100% of staff and volunteers have received a criminal record check; and
d) 100% of Managers/Coordinators have completed staff supervision training.

4.5   Evaluation
The performance indicators for the evaluation of this policy are:
a) 0% of Mercy Services' staff injured at client's home; and
b) At least 90% of Mercy Services staff giving a positive rating on how well Mercy Services is committed to safety.

5.0   REFERENCES

1. Current issues	a)
2. Australian Standards	b) None identified
3. Legislation	a) Work Health and Safety Act 2011 (NSW) b) Work Health and Safety Regulations 2011 (NSW) c) Anti Discrimination Act 1977(NSW)
4. Professional guidelines	a) None identified
5. Codes of Practice	a) NSW Health Department Human Resources Branch "Policy and Guidelines for the Minimisation and Management of Aggression in NSW Public Health Care Establishments" (Sydney Hospital OHS Service)
6. Codes of Ethics	a) Australian Association of Social Workers Code of Ethics 2010 http://www.aasw.asn.au/document/item/1201 b) Australian Psychological Association Code of Ethics http://www.psychology.org.au/Assets/Files/APS-Code-of-Ethics.pdf c) Code of Ethics for Nurses in Australia 2008 http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx#codesofethics d) Integrity in the Service of the Church https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards e) Mercy Services Code of Conduct
7. Evidence	a. Workcover "Preventing and Dealing With Workplace Bullying: A Guide for Employers and Employees" Catalogue No. WC04 (2008)

8. Mercy Services Values	Justice, Respect, Care, Unity, Service

6.0 OTHER RELATED MERCY SERVICES POLICIES

A.02 Code of Conduct Policy
C.01 Management Roles and Responsibilities
E.07 Behaviour Support Policy
E.16. Protection and Vulnerable Adults from Abuse and Neglect
E.18. Privacy Policy
F.04 Learning and Development
G.04 WHS Training
G.05 Risk Management Policy
G.06 Safe Home Visiting Policy
G.11 Security at Centres Policy
G.12 Stress Management Policy
G.13 Post Traumatic Incident Policy
G.16 Emergency Response Policy
G.17 Incident Investigation Policy
G.23 Client Risk Management Policy

7.0 RELATIONSHIP WITH STANDARDS

Aged Care Accreditation Standards	Home Care Standards	Disability Standards	EQuIP Standards
1.3, 1.4, 1.6, 2.3, 3.3, 3.4,	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.5	1.1, 1.2, 1.5, 1.6, 1.7, 6.1, 6.2, 6.3, 6.4,	1.1.1, 1.1.2, 1.1.4, 2.1.2, 2.1.3, 2.2.2, 2.2.4, 3.2.1, 3.2.5

8.0 DOCUMENT CHANGES RECORD

Dates of change	Section altered	Natures of changes made
May 2005	All sections	Document created
01/04/2009	Most sections	This new Policy and Procedure differs from the previous version in: 1.0 new section which says the impact of aggression, harassment and bullying is similar 2.0 This combines the purpose and scope sections of the previous version 3.0 new section 4.1.1 Definition of Bullying added, identification only in 4.1.1 4.1.2 Assessment of risk of incident moved to this section 4.1.3 preventing incidents is a new section that builds on the previous 5.1.3 Compliance audit limited to response to notification rather than ongoing 4.2.2 heading changed to allow for inclusion of incidents other than assualts 4.2.4 added option that affected person tell perpetrator that they are offended and to stop 4.2.5 new section encouraging people to report incidents and outling response

Dates of change	Section altered	Natures of changes made
		5.0 added 6.0 added 7.0 added 8.0 added Appendix 1 combines previous Appendix 3 and 4 with some rewording Previous Appendix 1 – Aggression and Harassment Safety Audit deleted (some data would be impossible to gather and other data meaningless) Previous Appendix 2 deleted as data now in 4.2.5
30/06/2010	4.2.5	Changed Management Support Team to Management Team with change of membership
28/03/2011	7.0 Relationship to Standards	Updated Community Care Common Standards and EQuIP5 Standards
06/02/2012	a) All sections b) 4.4 Compliance c) 4.5 Evaluation d) 5.0 References	a) Updated with how new WHS laws and Codes of Practice apply at Mercy Services b) New section c) New section d) Changes to legislation, Code of Practice and link to Nurses Code of Ethics
27/11/2012	All Sections	Organisation name updated
06/05/2015	a) All sections b) 7.0 Relationship to standards	a) Replace General Manager with CEO and Program Co-ordinator with Coordinator and update members of Management Team b) Updated Aged Care Accreditation Standards and Disability Standards
24/11/2015	a) 2.0 Purpose and 3.0 Policy b) 2.0 Scope c) 4.2.1 General Guidelines	a) Add "service partners/contractors" b) Renamed from purpose and changes to perpetrators and those subjected to bullying etc. c) Add section on social media
Review due 24/11/2018		

<div align="right">**APPENDIX 1**</div>

Defusing Difficult Situations

Always remember that refusing to enter into a difficult situation or leaving as soon as difficulty arises is the best course of action if you feel you lack the confidence and skills.

The following strategies can help defuse a difficult situation:
- use inclusive language *(we, our not you, your)*
- respond with assertive language *(use "I" statements that state how their behaviour affects you and what you would prefer)*
- identify the issues *(find out what they are angry about or what they want to see happen)*
- tell them you understand why they feel the way they do
- use words the person will understand, not jargon
- act calmnly, eg speak at a steady pace, pitch is moderate, careful of speech volume
- appropriate eye contact
- calm, confident body language *(don't point, cross your arms or put hands in pocket)*
- silence is okay, don't jump in
- respect personal space
- be consistent with boundaries.

Dealing with Potentially Violent Situations

Remember you always have the right to refuse to enter a home or to leave a situation if you feel threatened, and/or attacked.

If you are in a threatening situation:
- stand back – remember to provide personal space for both you and the aggressive one
- be aware of communication skills that can be used to de-escalate the person's anger *(see above)*
- don't contradict or argue with them
- be assertive
- avoid getting physically stuck between people
- do not act like an authority
- be aware of indicators of possible violence e.g., rapid breathing, verbal threats etc.
- after any incident, ensure that debriefing time is made as soon as possible to discuss issues with the Coordinator and other colleagues.