

Assault in the Workplace

Human Resources Policy

Effective Date: April 2008

1 PURPOSE

To outline Queensland Health policy for assault in the workplace and the related complaint handling process.

2 APPLICATION

This policy applies to all Queensland Health employees.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The “delegate” is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Anti-Discrimination Act 1991*
- *Criminal Code*
- *Public Sector Ethics Act 1994*
- *Workplace Health and Safety Act 1995*
- Anti-Discrimination policy
- Queensland Health Code of Conduct
- Sexual Harassment policy
- Workplace Equity and Harassment Officers policy
- Workplace Harassment policy

6 SUPERSEDES

- IRM 3.1-3 Assault in the Workplace

7 POLICY

7.1 Background

Queensland Health is committed to maintaining an environment for patients, clients, visitors and employees that is safe and free of any form of harassment and other behaviours which can:

- Physically or psychologically harm, intimidate, degrade or humiliate a person.

Queensland Health's commitment is supported by the:

- Queensland Health Code of Conduct
- Workplace Harassment policy
- *Public Sector Ethics Act 1994*
- *Workplace Health and Safety Act 1995*
- *Anti-Discrimination Act 1991*

The above policies and legislation clearly establish standards of professional and ethical behaviour and safe practice to be observed by all employees of Queensland Health.

District Managers and Branch Directors are to ensure that all employees are aware of their obligations and expected behaviours under the Code of Conduct. The Code of Conduct states:

"Queensland Health has a zero tolerance to violence in its workplaces. To achieve this, violent and aggressive behaviour will not be tolerated towards patients/clients, other employees or members of the public."

Assault in the workplace is not an acceptable standard of behaviour. An act of assault may constitute a criminal offence and expose a person to civil action.

7.2 Examples of Assault

Behaviour which may constitute assault (See Definitions) includes and is not limited to:

- Striking or attempting to strike another person.
- Engaging in a physical struggle or fight.
- The use of unnecessary or excessive (unlawful) force when restraining, or attempting to restrain, another person eg a patient.
- Threatening another person with violence.
- Verbal abuse with a threat of imminent harm.
- Throwing or propelling a liquid or other substance at a person.

7.3 Disciplinary Action Where Assault Occurs

Queensland Health has a zero tolerance to violence in the workplace.

Any act of unlawful assault, whether directed at a patient, client, visitor, fellow employee, or other person, will not be tolerated.

Disciplinary action is likely to be taken against any employee found to have committed such an offence. Disciplinary action may be up to and including dismissal.

8 APPLYING THE POLICY

8.1 Complaint Handling

It is essential that any allegation of assault in the workplace is considered seriously. All allegations of assault in the workplace must be managed in accordance with established disciplinary procedures.

An allegation of workplace assault may constitute official misconduct. District Managers and Branch Directors are required to report the allegations to the Ethical Standards Unit for assessment and referral to the Crime and Misconduct Commission if applicable.

Victimisation or reprisal against any employee involved in submitting an allegation pursuant to this policy will not be tolerated and may result in further disciplinary action against the offending employee in accordance with the *Whistleblowers Protection Act 1994*.

Any Departmental investigation undertaken in relation to a complaint of assault is to be conducted in a timely, fair and objective manner and is to observe the principles of natural justice.

An employee who has suffered an assault may lodge a complaint with the Queensland Police Service.

9 DEFINITIONS

<p>Assault</p>	<p>Assault is defined to include:</p> <ul style="list-style-type: none"> • An unlawful personal attack, even if only with menacing words. • A form of trespass in which one person intentionally arouses in another an apprehension of imminent harmful or offensive conduct. <p><u>Criminal Code</u> Section 245 of the <i>Criminal Code Act 1899</i> defines assault as:</p> <p>(1) A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person's consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person's purpose, is said to assault that other person, and the act is called assault.</p> <p>(2) Applies force includes the case of applying heat, light, electrical force, gas, odour, or any other substance or thing whatever if applied in such a degree as to cause injury or personal discomfort.</p>
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10 HISTORY

This policy was developed in April 2008 as a result of HR Policy Framework consolidation.