

## What I Need to Know

- Under the *Workplace Health and Safety Act 1995*, employers have an obligation to ensure the health and safety of all workers (staff and volunteers) by managing risks at the workplace.
- Workplace harassment may harm the health and safety of staff and volunteers. Therefore, employers' obligations extend to ensuring that workplace harassment is prevented or controlled. Under the *Workplace Health and Safety Act 1995*, workers must follow instructions given by their employer at the workplace relating to health and safety aspects of workplace harassment.
- The Department of Emergency Services (DES) is committed to:
  - Promoting courtesy, trust and respect; and
  - A working environment that is free from workplace harassment.
- All employees and volunteers are responsible for behaving in a way that respects the rights and dignity of others in accordance with the DES Code of Conduct.
- Any matter of workplace harassment amounting to official misconduct must be reported to the Ethical Standards Unit as soon as practicable. Official misconduct is defined in the *Crime and Misconduct Act 2001* as conduct that could, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services for the following conduct:
  - Adversely affecting honest and impartial performance;
  - A breach of trust; or
  - A misuse of information or material.
- DES recognises that constructive feedback or counselling on work performance or work-related behaviour is appropriate and reasonable. Critical comments indicating performance deficiencies do not constitute workplace harassment.
- DES aims to create a supportive environment where claims of workplace harassment are resolved as quickly as possible, while providing appropriate support to all parties involved and taking any necessary follow-up action.
- Victimisation of any person who complains about workplace harassment, lodges a grievance or is involved in the investigation of a complaint will not be tolerated. Employees who victimise any of the parties in a workplace harassment issue may be liable to disciplinary action.
- Employees or volunteers found to have deliberately harassed other employees or volunteers or who refuse to obey instructions relating to the prevention of workplace harassment may be liable to disciplinary action.
- The Industrial Relations Commission may hear cases where a person has been treated or dismissed harshly, unfairly and unjustly or for unlawful and invalid reasons.
- Information and material obtained through an investigation of a workplace harassment complaint is strictly private and confidential. All parties to the investigation shall respect the privacy and confidentiality of this information and shall not discuss the matter with unauthorised persons.
- Managers and supervisors are responsible for ensuring that appropriate standards of behaviour are maintained in the workplace. Adopting a preventative approach to workplace harassment is an effective method of ensuring that appropriate standards of behaviour are maintained.

### **Roles & Responsibilities:**

- Managers and supervisors are responsible for:
  - Ensuring a workplace free from workplace harassment and ensuring compliance with this policy;
  - Ensuring they understand their roles and responsibilities;

- Addressing workplace harassment issues quickly and fairly; and
- Upholding the principles of natural justice when investigating a workplace harassment complaint.
- Employees and volunteers are responsible for:
  - Behaving in a way that respects the rights and dignity of others; and
  - Complying with the DES Code of Conduct.

## How I do it

- There are a number of options available to volunteers with complaints of workplace harassment:
  - Personally request the alleged offender to stop the behaviour
  - Speak directly to supervisor and seek their assistance in resolving the issue
  - Seek advice from your Area Director
  - Seek advice from the Ethical Standards Unit at [ethicalstandards@emergency.qld.gov.au](mailto:ethicalstandards@emergency.qld.gov.au)
  - Lodge a formal grievance to be investigated by the appropriate person (this may include independent mediation); or
  - Make an external complaint to the Queensland Police Service, Division of Workplace Health and Safety or the Industrial Relations Commission, depending on the nature of the complaint. Physical assaults or threats of physical assault should be reported to the Queensland Police Service and the Division of Workplace Health and Safety.

## Reference Materials

- Area Reference Manual – Business Rule: D3.6 Manage Brigade Disputes Dysfunction and Breaches of Policy
- Rural Fire Brigade Manual – Business Rule: D7.16 Code of conduct
- Code of Conduct
- Legislation:
  - *Anti-Discrimination Act 1991*
  - *Crime and Misconduct Act 2001*
  - *Equal Opportunity in Public Employment Act 1992*
  - *Fire and Rescue Service Act 1990*
  - *Public Sector Ethics Act 1994*
  - *Workplace Health and Safety Act 1995*
- DES Workforce Management Policies and Documentation:
  - Employment Equity policy
  - Disability Discrimination Prevention (including Reasonable Adjustment) policy and procedure
  - Unlawful Discrimination (including Sexual Harassment) Prevention policy
  - Complaint Management policy and procedure
  - Managerial Resolution policy and procedure
  - Grievance Resolution policy and procedure
  - Discipline policy and procedure
  - DES Code of Conduct
- Other:
  - DES Diversity and Equity Plan 2004-2008
  - Fair Play in the Workplace Kit: Your Equity Information Kit