HEALTH PORTFOLIO

7. **Please provide details of the number of jobs that will be created from the Northern Hospital expansion project.**

   (Page 6 of the Health portfolio transcript)

It is estimated that the new $162.7 million Northern Hospital Inpatient Expansion - Stage 2 will create around 490 construction related jobs.

8. **What would be the minimum and maximum costs of the business case options for the Victorian Heart Hospital project? Please provide details to the Committee once they become available.**

   (Page 8 of the Health portfolio transcript)

It is an approximately $450-600 million project.

9. **Please provide a breakdown of the $60 million funding for new medical equipment and upgrade infrastructure across Victoria.**

   (Page 10 of the Health portfolio transcript)

The 2017-18 Budget provided funding of $25 million for the 'Engineering infrastructure replacement program' and $35 million for the 'Medical equipment replacement program'. Submissions for each program opened on 5 June 2017 and close on 26 June 2017. Allocations will be provided to hospitals following detailed assessments of the submissions after the submission closing date.

10. **How many patients will be treated at the Broadmeadows Elective Surgery**

    Centre? *(Page 10 of the Health portfolio transcript)*

Over 2,500 additional patients will be treated following completion of the $17.3 million Broadmeadows Surgery Centre.

11. **Other than a 5.1 per cent growth in funding last year, is there any additional or supplemental funding being provided for the Peter MacCallum Cancer Centre over and above what was anticipated at the start of the budget year? If so, how much extra funding has been provided?**

    (Pages 14-15 of the Health portfolio transcript)

Each year health services are provided a budget which is signed in the statement of priorities between the minister and the health service board chair. During the remainder of the financial year, a number of health services may require additional funding for particular operational reasons. As with a range of other health services in 2016/17 this was the case for the Peter MacCallum Cancer Centre.

In addition to the 5.1 per cent of growth funding allocated to Peter MacCallum Cancer Centre in 2016-17, $2 million has been provided to Peter MacCallum to support health service operations including activity.

12. **How much funding has been allocated for setting up the medicinal cannabis office or for subsidising the production and access to that medicine?**

    (Page 16 of the Health portfolio transcript)

In 2016, $21.3 million was budgeted for the access of Medicinal Cannabis over four years 2016-20.

- 2016-17 - $5.1 million
- 2017-18 - $5.1 million
- 2018-19 - $5.5 million
- 2019-20 - $5.6 million

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13. **With respect to the Monash Medical Centre upgrade, please advise the Committee of the expected completion date for the emergency department paediatric space.**

   (Page 20 of the Health portfolio transcript)

The Monash Medical Centre emergency department will be expanded and reconfigured to provide dedicated paediatric emergency services. In order to minimise the impact of the construction on the existing emergency department, these works will be staged and completed works opened progressively. It is expected that all works will be completed by 2022.

14. **Please provide a list of metropolitan and rural health services selected for the following asset initiatives:**

   a. **the 'Engineering infrastructure replacement program' asset initiative**

Please refer to question 9. Submissions for the Engineering infrastructure replacement program are in train.

   b. **the 'Clinical technology refresh – Cyber security and network connectivity' asset**

   initiative and an overview of what these initiatives are.

The investment of $11.9 million will enhance cybersecurity across the health sector, with foundation activities to uplift Victorian health services' Wide Area Networks (WANs). This initiative builds on two previous Clinical Technology Refresh programs (2015-/16 and 2016-17) to reduce the risks associated with continued use of at-risk, legacy products to deliver health care.

The focus of the current investment is on the implementation of 'clinical grade' networks and raising the maturity of cybersecurity controls across the public health services. The high availability of a clinical grade network will support the provision of services, continuity of care and patient safety, with appropriate cybersecurity controls to support those systems.

This investment seeks to mitigate the following risks and issues:

- prevent network outages, disruption and slow performance whilst ensuring systems can support increased sharing between health services, allowing clinicians to deliver telemedicine and the uptake of new technologies; and
- prevent the spread of major data breaches within sites from increasing cybersecurity threats, such as that experienced at the Royal Melbourne Hospital (RMH) in January 2016.
- reduce exposure to data breaches and loss of service through improvements in cybersecurity across the health system. In the event of an incident or event, the impact across the State is mitigated by quarantining the intrusion and preventing spread across the network.

Funding will be apportioned across all health services including metropolitan, regional and rural.

15. **In relation to quality and safety across the health system and avoidable harm, does this include hospital security upgrades with regard to patient and staff safety in hospitals?**

   (Page 23 of the Health portfolio transcript)

The $3 million funding identified on slide 6 of the Minister's presentation will be used to address both violence against health care workers and workplace bullying.

This funding will be used to implement some of the 'Occupational Violence in Healthcare Taskforce' recommendations such as; hospital security upgrades; improved training for health workers; and continuation of the public awareness campaign "It's never ok". In relation to workplace bullying, a portion of the identified funding will also be allocated for funding a trial of an independent facilitator role to support healthcare workers experiencing inappropriate behaviour.

16. **How many palliative care patients are home-based (outside the hospital setting)?**

    (Page 28-29 of the Health portfolio transcript)

In 2015–16, 16,777 palliative care patients received home-based care.

17. **Please provide details of the full cost including the 2.5% adjustment for each of years 2016-17, 2017-18, 2018-19, 2019-20 of the nurses' enterprise bargaining agreement (EBA).**

    (Page 31 of the Health portfolio transcript)

The annual cost of the nurses' EBA, including the 2.5% DFM funding were:

- 2016-17: 3.0%
- 2017-18: 3.0%
- 2018-19: 3.25%
- 2019-20: 9.36% (including Work Value alignment)

    The Work Value outcomes were awarded to Paramedics by the Fair Work Commission. The specific increases were attributed to each classification by the Fair Work Commission after an assessment of the value of the changes to Paramedics' work over previous years. The amount awarded under the Fair Work Commission's Work Value case are a separate component to the wage increases that are part of the enterprise agreement.

18. **Two million dollars has been allocated for improving access to the Victorian Patient Transport Assistance Scheme in 2017–18. How many extra patients will this funding account for?**

    (Page 32 of the Health portfolio transcript)

This funding will enable an additional 2,200 people (5,000 claims) to receive assistance.

19. **In relation to page 228 of Budget Paper No.3:**

    a. **Please provide details of the Government's strategy to improve women's sexual and reproductive health**

On 8 March 2017, the Andrews Labor Government released Victoria's first-ever women's sexual and reproductive health plan. The plan is supported by $6.6 million in funding over four years and outlines key actions to reduce barriers and service gaps that affect women's access to reproductive and sexual health services. It recognises family violence and gender equality as important determinants of women's sexual and reproductive health, as well as overall women's and children's health.

In line with Victoria's legislation, the plan aims to improve access to affordable, effective and safe contraception and termination of pregnancy. In addition, it deals with the rising rates of chlamydia amongst young women and the management of often invisible reproductive health issues, such as endometriosis, polycystic ovary syndrome and menopause.

    b. **How would this strategy reduce stigma, expand education and increase services?**

Sexual and reproductive health may be associated with stigma, preventing people from seeking information and access health services, which may further compromise their sexual and reproductive health as well as overall health. To address this barrier, the government is committed to:

- raising awareness of women, men and communities about good sexual and reproductive health being important not only for general health for both men and women but also for the next generation
- providing evidence-based, age-appropriate sexual and reproductive health information through a variety of different platforms, including social media, and in a range of different community settings

- improving and expanding women's access to sexual and reproductive and sexual health information and services, including through innovative models of care.
- creating more opportunities for health professionals' education, with the aim of increasing their knowledge and ability to provide contemporary sexual and reproductive health information.

(Page 36 of the Health portfolio transcript)

20. **In relation to page 78 of Budget Paper No.3:**

a. **How many cases of bullying, harassment or inappropriate behaviour in DHHS were reported in 2015 and 2016?**

The Department of Health and Human Services is committed to supporting a safe, happy and engaged workforce. Unfortunately, the People Matter Survey in 2015, and again in 2016 reported higher than acceptable levels of bullying and inappropriate behaviour in the workplace. Reports of work related harassment and/or workplace bullying are collected through the department's Disease/Injury/Near Miss/Accident (DINMA) forms. Cases reported using DINMA forms have slightly improved, for example there were 92 reports of work related harassment and/or workplace bullying in 2015 and 90 reports in 2016. For the 2015-16 financial year there were 10 Standard WorkCover claims related to harassment and/or workplace bullying. To address this issue the department developed and released a Bullying and Inappropriate Behaviour Action Plan which aims to build a respectful, caring culture that is free from bullying and inappropriate behaviour.

b. **Please provide in detail the results of the DHHS People Matter survey.**

The People Matter Survey 2016 was conducted in the Department of Health and Human Services from 6 – 30 June 2016, DHHS had a 41 per cent response rate.

DHHS performed particularly well in areas relating to its values. These include:
- Customer and Community Services – the department's employees feel good about the work they do and that they provide a valuable service to our community;
- Managers encourage others to model the Values, and treat others with respect and dignity;
- Staff understand and act consistently with the Human Rights Charter; and
- Staff report very low levels of sexual harassment.

The results highlight some areas that require further improvement; particularly concerning bullying, and senior leaders' timely and relevant communication about change.

c. **How many staff have been counselled or fired as a result of bullying or inappropriate behaviour in 2015 and 2016?**

A total of 25 department employees were terminated in 2015 and 24 in 2016 as a result of Disciplinary Outcomes. These terminations were for various reasons of misconduct potentially including bullying and inappropriate behaviour.

d. **Please provide a copy of the DHHS bullying and harassment strategy for staff.**

A copy of the DHHS Action plan to prevent bullying and inappropriate behaviour (**Attachment 1a**) and the DHHS Positive and Fair Work Policy (**Attachment 1b**) are attached.

e. **What percentage of DHHS workers said they felt bullied in the 2016 People Matter Survey?**

The department's 2016 People Matter Survey indicated that 24 percent of survey respondents had personally experienced bullying in the previous 12 months, of whom seven percent were still experiencing bullying.

f. **What is the cost of the conciliator hired to address bullying concerns in DHHS?**

The annual cost of the Workplace Facilitator (conciliator) is $167,767.

(Pages 36-37, 39 of the Health portfolio transcript)

21. **In relation to the Ballarat Health Services $2.7 million phishing scam, how much of the money has been recovered?**

(Pages 37-38 of the Health portfolio transcript)

Ballarat Health identified $2.062 million misappropriated through the phishing scam, $2,500 remain unrecovered, with the balance of $2.06 million recovered from Ballarat Health's bank and/or through insurance claims.

22. **Please provide a copy of the review into the Ballarat Health Services $2.7 million scam. (Pages 38-39 of the Health portfolio transcript)**

The review was an internal review of financial controls prepared for the board of Ballarat Health and an analysis of how the scam occurred. Controls have now been strengthened and relevant information has been shared with other health services to minimise any repeat occurrence of this scam. Public release of details of the review including controls for fraud prevention is not in the public interest.

Action plan to prevent bullying and inappropriate behaviour

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VICTORIA State Government | Health and Human Services

Executive summary

The Department of Health and Human Services (DHHS) must provide a work environment that is caring, safe, positive and free from bullying. This is also critical for the delivery of our departmental Strategic Plan.

Since the 2015 People Matter Survey highlighted that 22 per cent of staff had experienced bullying, the department has taken steps towards creating a work environment where people feel confident that issues raised will be responded to in a safe and fair manner.

In April 2016 the Action Plan to Prevent Bullying and Inappropriate Behaviour was released. This plan was the beginning of a conversation that all staff were encouraged to participate in. Making sure everyone had the opportunity to provide feedback was of paramount importance and twenty four focus groups were held across metropolitan and regional areas and attended by over 400 staff across the organisation. In addition, a confidential email address was established to send in feedback on bullying issues. Staff were encouraged to offer their views and opinions via these channels around the causes and triggers of bullying and also provide insights on how the Action Plan could be strengthened, changed or improved. Made practical and constructive suggestions were made.

Involving staff has been critical in ensuring that the revised Action Plan resonates with staff across the department and that it results in a shift in approach, prevention and management of bullying and inappropriate behaviour.

This revised Action Plan, now with ten important objectives, will:

- improve the timeliness, transparency, procedural fairness and oversight of the handling of complaints of bullying and inappropriate behaviour
- build resilience and self-awareness and improve the ability of all staff to deal with stress, anxiety, anger and change in regular training workshops, and enable people managers to recommend these workshops or direct staff to attend; and
- improve the visibility and capability of People and Culture to exert strategic influence, manage change, support staff, handle complaints and identify and address 'hotspots' of bullying.
- contribute to the department's Outcomes Framework, under the relevant Key Result to identify and respond to bullying and inappropriate behaviours.

A Taskforce will be set up to accelerate deliverables of various aspects of the plan. The Taskforce will regularly report to the People and Culture Committee on its progress.

The Action Plan supports compliance with overarching obligations of the department and employees contained in the *Occupational Health and Safety Act 2004* and the *Code of Conduct for Victorian Public Sector Employees.*

Changing organisational culture takes time however the revised Action Plan is the department's firm commitment to making this change.

Our goal

To build a respectful, caring culture that is free from bullying and inappropriate behaviour and supports staff to be safe, happy and engaged.

Objective 1 - Strengthen leadership to foster a healthy and engaged working environment where bullying and inappropriate behaviour is prevented

Aim	Action	Responsible	Time frame
1.1 For leaders to have clarity on their role in fostering a positive workplace and preventing bullying and inappropriate behaviour.	• Workshops for the Executive Board and all divisional senior leadership teams on *Fostering a positive workplace culture* so that there is a shared understanding of their expected undertakings and roles.	Deputy Secretaries to lead with senior leaders	July/August 2016
1.2 Strengthen leaders' understanding of potential triggers, causes and precursors for bullying and inappropriate behaviour in the workplace.	• Identify a guest speaker to share insights, experiences and successful approaches that organisations and leaders need to undertake in preventing and managing bullying and inappropriate behaviour in the workplace.	People and Culture	June 2016
1.3 Strengthen understanding of effective workplace bullying and inappropriate behaviour interventions.	• Organise organisational storytelling sessions with staff where information is openly shared on how people create a positive workplace culture through supporting each other and preventing bullying and inappropriate behaviour. • Insights and knowledge are captured and utilised in training and development management workshops.	People and Culture Corporate Communications	February 2017
1.4 Increase and strengthen leadership accountability to take action to reduce the incidence of workplace bullying or inappropriate behaviour.	• Include in all people manager performance development plans a requirement that: – they demonstrate the implementation of activities that promote a positive workplace culture – they roll out local actions that prevent bullying and inappropriate behaviour and enable trends to be monitored (which are lead indicators for a reduction in bullying and inappropriate behaviour) – performance development plans are to be completed by all staff.	People and Culture All people managers	May 2017
1.5 Strengthen understanding of leaders' personal liability of 'officers' for bullying.	• Invite a guest speaker from WorkSafe Victoria to an EO Forum to talk about **Officers' obligations under the *Occupational Health and Safety Act*** to minimise risks to psychological health and safety, and their personal liability for damage to health and safety.	People and Culture	EO Forum during 2017
1.6 Review and strengthen recruitment practices to ensure people managers are being recruited in accordance with our values.	• Review people management recruitment strategies, practices, tools and resources to ensure alignment with organisational values and ethical leadership.	People and Culture	December 2017

Objective 2 – Build an 'upstander' culture where people feel safe and supported to raise concerns and make complaints

Aim	Action	Responsible	Time frame
2.1	Increase awareness and understanding of how support provided by the workgroup can drive a positive culture.	• Undertake research of organisations who have successfully addressed bystander culture and the disincentives and barriers which discourage staff from raising concerns	People and Culture	December 2016
2.1	Increase awareness and understanding of how support provided by the workgroup can drive a positive culture.	• Develop strategies and actions to encourage an 'upstander' culture, to remove disincentives and barriers and to make staff feel safe to raise concerns.	People and Culture	February 2017
2.2	Provide guidance to staff who want to intervene in bullying or inappropriate behaviour.	• Develop resources and tools for staff who are concerned about bullying or inappropriate behaviour that they are observing, including: – What do we do when we see, hear and support people that have experienced bullying? – What are the different ways we can intervene? – What are our obligations as colleagues and peers? – How do I manage myself? – What do I need to be aware of?	People and Culture Corporate Communications	May 2017

Objective 3 – Improve knowledge of avenues of redress for dealing with workplace bullying or inappropriate behaviour

Aim 3.1: Promote a safe, respectful and positive working environment through refreshed processes, training and a communication campaign

Action	Responsible	Time frame

• Develop a communication strategy that incorporates:
   – communication materials that improve awareness and understanding of what bullying is and early identification processes
   – all staff information sessions on workplace bullying that comprehensively covers:
     ✓ what it is and what it isn't, including examples of different types of bullying
     ✓ combatting bullying is everyone's responsibility
     ✓ different ways to intervene
     ✓ how the complaints process works, the legislation supporting it and how they can use it
     ✓ specific advice for rural areas where everyone knows each other outside work, and what to do if you are being bullied by your manager
 • Develop appropriate communications mechanisms in DAS houses and other remote workplaces.
	People and Culture
	
	 Corporate Communications
		November 2016

• Development of a webpage to provide consolidated information about workplace bullying or inappropriate behaviour, including:
   - how to deal with poor behaviour (including infographics and a flowchart)
   - a guide for having difficult conversations, including how 'upstanders' can intervene
   - contact details of people who can provide advice and support including EAP, People and Culture, external complaints bodies (e.g. WorkSafe, Fair Work, Equal Opportunity)
   - tip sheets with practical guidance.
	People and Culture
	
	 Corporate Communications
		December 2016

• Set up a Peer Support Program (contact officers) who provide peer support when staff need advice or have concerns about how to approach bullying and inappropriate behaviour in the workplace.	People and Culture	February 2017
• Ensure all new starters have an induction within two months which includes information about bullying and inappropriate behaviour.	People and Culture	December 2016
• Review induction materials to ensure that it contains information about expectations of behaviour in the workplace; what behaviour they can expect of their colleagues; the Positive and Fair Workplace policy and procedures; where to go for advice and support; DINMA and complaints processes; and expectations of 'upstanders'.	People and Culture	February 2017

Objective 4 – Improve management capability in preventing and dealing with workplace bullying or inappropriate behaviours

Aim	Action	Responsible	Time frame
4.1 Encourage people managers to get employees involved in defining behaviours that support a positive workplace culture.	• A requirement that managers carry out activities that engage staff in respecting each other in the workplace and dealing with poor behaviour. Activities include: - engaging staff in **workshops** on defining acceptable and unacceptable behaviours at a local level so that there is **clarity** regarding expectations and standards of behaviour from a staff and management perspective - regular **agenda items** for all team meetings which encourages staff to raise ideas for improvement, or describe something that went well and something that didn't go well that week (encouraging a 'speak up' culture) - **lead forums** where bullying or inappropriate behaviours are named and talked about - invite staff to be part of **creating a solution** (staff working group) to create a respectful and positive workplace - **invite a team member to be an 'Anti-Bullying Champion'** which creates an opportunity for leadership at all levels.	People managers	May 2017
4.1 Encourage people managers to get employees involved in defining behaviours that support a positive workplace culture.	• To ensure managers are supported, resources will be developed to support these activities.	People and Culture	May 2017
4.2 Develop a training program for people managers that builds skills to foster a positive work environment and prevents bullying and inappropriate behaviour.	• Develop a Management Development Program that focuses on equipping managers with the skills to create a positive working environment and knowledge on how to prevent and manage bullying and inappropriate behaviour. The program content will incorporate the following: - **Managing Self** – comprehensive feedback process that includes stakeholders, staff and managers; leadership styles and management styles; emotional intelligence; the importance of the manager being seen and regularly talking with staff informally. - **Managing and Engaging your Team** – having crucial conversations about performance and inappropriate behaviour; building trust and resilience; the importance of fairness and transparency in decision-making, and the damage done by favouritism; applying the poor performance process; what a high functioning team looks like and how to work towards it - **Building a Positive Culture** – how to encourage a 'speak up' culture; the ability to recognise early signs of bullying and inappropriate behaviour (such as gossiping, inappropriate jokes and hurtful 'banter'); our responsibility to intervene early and consequences if they don't; confidentiality, avoiding retribution and managing gossip; where to go for help.	People and Culture	June 2017

Aim		Action	Responsible	Time frame
4.2	Develop a training program for people managers that builds skills to foster a positive work environment and prevents bullying and inappropriate behaviour.	• Investigate the concept/possibility of a people having access to a specialist Mentor (to boost their self-confidence and personal power) for situations when they have experienced bullying or inappropriate behaviour	People and Culture	December 2017

Objective 5 – Improve the timeliness, transparency, procedural fairness and oversight of the handling of complaints of bullying and inappropriate behaviour

Aim		Action	Responsible	Time frame
5.1	Give staff confidence that there is impartial, neutral and independent oversight of handling of complaints under the Positive and Fair Workplace policy.	• Explore the feasibility of appointing a Workplace Facilitator that is strictly independent of People and Culture.	People and Culture	September 2016
5.2	Ensure that all complaints under the Positive and Fair Workplace policy and procedure are addressed.	• Explore the feasibility of creating a central depository for all complaints under the Positive and Fair Workplace policy (including those complaints that are made verbally to a people manager or supervisor), such as an email address to which all complaints must be sent.	People and Culture	March 2017
5.2	Ensure that all complaints under the Positive and Fair Workplace policy and procedure are addressed.	• Establish a procedure where all managers and People and Culture staff who receive a verbal, paper-based or email complaint under the Positive and Fair Workplace policy to send a copy immediately to a central repository (if it has not already been sent by the complainant).	People and Culture	March 2017
5.3	Ensure that all complaints under the Positive and Fair Workplace policy and procedure are addressed in a timely manner.	• Explore the feasibility of developing an online form for staff to lodge a complaint under the Positive and Fair Workplace policy, and associated database of all complaints.	People and Culture	December 2016
5.4	Create central collection of DINMAs.	• Consider the feasibility of enabling staff to lodge DINMAs online.	People and Culture	February 2017
5.5	Ensure DINMA form appropriately captures psychological injury.	• Review DINMA form to ensure that it appropriately captures psychological injury and includes a specific field of 'bullying'.	People and Culture	January 2017

Objective 6 – Build resilience and self-awareness and improve the ability of all staff to deal with stress, anxiety, anger and change

Aim	Action	Responsible	Time frame

6.1 Build resilience and self-awareness by improving the ability of staff to deal with stress, anxiety, anger and change.	• Review existing training programs to ensure they are run regularly (every two to three months), are available to all staff (not just managers) and cover topics such as:
	  – dealing with change and uncertainty
	  – managing stress, anxiety and anger
	  – mindfulness in the workplace
	  – how to give feedback and receive feedback.
	• Workshops to include case studies, practice of real skills and a significant component of self-reflection to build awareness in participants of their own behaviours and the impacts on others.
		People and Culture	February 2017

Objective 7 – Target known 'hotspots' of bullying and inappropriate behaviour

Aim	Action	Responsible	Time frame
7.1 Identify 'hotspots' of bullying and inappropriate behaviour based on a range of data sources.	• Proposed Workplace Facilitator to proactively and regularly work with People and Culture and people managers to see whether any particular teams, divisions or other areas of the department hold greater concerns about bullying and inappropriate behaviour. • Appropriate interventions for those 'hotspots', such as facilitated discussions, training or mediations are appropriately designed with relevant stakeholders. • Reports on regular 'hot spots' provided to the People and Culture Committee and Executive Board.	People and Culture	May 2017

Objective 8 – Review the Accessibility, Simplicity and Quality of the Positive and Fair Workplace Policy's Bullying Provisions

Aim		Action	Responsible	Time frame
8.1	Improve the accessibility of the Positive and Fair Workplace Policy.	• Review the Positive and Fair Workplace policy and procedure including turnaround times for complaints responses, and if necessary amend it, to ensure it is clear, simple, accessible and does not contain unnecessary barriers. • Ensure that the Positive and Fair Workplace Policy is immediately found by searching the intranet for 'bullying'.	People and Culture	February 2017
8.2	Revise Positive and Fair Workplace Policy to cover social media and cyber bullying.	• Ensure that the Positive and Fair Workplace policy and procedure cover the appropriate use of social media (cyber bullying).	People and Culture	February 2017
8.3	Revise Positive and Fair Workplace Policy to enable 'upstanders' to raise a concern.	• Revise Positive and Fair Workplace Policy to enable 'upstanders' to raise a concern.	People and Culture	February 2017
8.4	Ensure Positive and Fair Workplace Policy covers bullying by clients and stakeholders.	• Revise Positive and Fair Workplace Policy to cover bullying by clients and stakeholders.	People and Culture	February 2017
8.4	Ensure Positive and Fair Workplace Policy covers bullying by clients and stakeholders.	• Develop a proposed approach on how DHHS deals with external agencies displaying bullying and racism .	People and Culture	December 2017

Objective 9 – Improve the Visibility and Capability of People and Culture

Aim		Action	Responsible	Time frame
9.1	Improve visibility of People and Culture contacts.	• Develop a campaign to 'introduce' to all staff to their responsible People and Culture contact person, so that they know who to contact to get advice. • Ensure the communication campaign takes into account the specific requirements of the DAS workforce.	People and Culture	July 2017
9.3	Improve the capability of People and Culture to handle formal and informal bullying and inappropriate behaviour complaints to support staff.	• Build capability in all relevant People and Culture teams in: – supporting staff professionally and with integrity in times of difficulty and change and proper handling of complaints – identifying and addressing 'hotspots' of bullying, and designing effective and tailored interventions – balancing the need to provide support to concerned staff with their role as advocates for the policy and process, and managers of risk on behalf of the organisation – their responsibility as constructive ambassadors for organisational change.	People and Culture	March 2017

Objective 10 – Use metrics to gauge the impact of the action plan on preventing bullying and inappropriate behaviour in the workplace

Aim	Action	Responsible	Time frame
10.1 Ensure that action plan activities are occurring as planned.	• A taskforce is set up comprising knowledgeable people from across the department to ensure implementation of the action plan, and develop and report on a rigorous monitoring and evaluation framework for the implementation of the action plan.	People and Culture	October 2016
10.1 Ensure that action plan activities are occurring as planned.	• The People and Culture Committee will receive quarterly reports from the taskforce about progress on the actions set out in the action plan.	People and Culture People and Culture Committee (central)	Quarterly
10.2 The People and Culture Committee tracks the occurrence of bullying and inappropriate. behaviours, and reports this to the Board.	• People and Culture Committee receives the following reports from People and Culture, and then reports trends and any recommended actions to the Executive Board: – employees' compensation claims associated with workplace bullying – exit interviews – reports on absenteeism, sick leave and staff turnover, increased industrial activity, investigations and other relevant data – report on the number of complaints lodged under the Positive and Fair Workplace policy, what actions were taken, the timeframe for handling, factual outcomes, and how they were addressed – report on DINMAs which mention bullying or inappropriate behaviour.	People and Culture People and Culture Committee (central)	Quarterly
10.3 Review collection and use of exit interview data.	• Review the means of collecting feedback from exiting employees (online or in-person exit interviews) and the department's use of that data.	People and Culture	March 2017

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Action plan to prevent bullying and inappropriate behaviour

Employment and consultation

Positive and fair workplaces policy

Contents

Overview

The Department of Health and Human Services (the department) aims to provide a workplace that is rewarding, enjoyable, healthy and productive for all employees.

Everyone in the workplace has a role in creating and sustaining a respectful and constructive work environment. The department seeks a productive workforce that manages its performance and achieves results. It is important that employees are in an environment where:

- expectations are clear
- they are safe and are treated fairly
- their contributions are valued and recognised
- they are able to work harmoniously with others
- bullying, discrimination or harassment is addressed in a timely and sensitive manner.

This policy must be read in conjunction with the *Positive and Fair Workplaces procedures*.

Who does this policy apply to?

This policy applies to all workplace participants. For the purpose of this policy, this includes: employees, contractors[1], consultants and any individuals or groups undertaking activity for or on behalf of the department.

When does this policy apply?

This policy applies to all workplaces and work activities of the department, where employees are performing the duties of their employment, or engaging in other activities during the course of their employment, or which are related to or in connection with their employment with the department (such as conferences, business and field trips, training programs and business or client function).

In some circumstances, activities occurring outside of the workplace may fall within the scope of this policy and support procedures, but only where there is a sufficient connection to the workplace. In these instances, advice should be sought from local people and culture units.

Policy principles

The department is committed to:

- Working environments where employees are safe, valued and able to contribute optimally.
- Providing a range of supports to people involved in early intervention and local resolution process or if warranted a formal process.
- Addressing concerns and issues in a timely and sensitive manner, in all circumstances
- the principles of natural justice.
- Maintaining appropriate confidentiality at all times, and disclosing concerns and issues only to those with a need to know, taking due account of the department's duty to provide and maintain a safe workplace as far as reasonably practicable.
- Referring matters that would be more appropriately managed through another process.

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[1] Note the application of section 1.4 of the *Code of Conduct for Victorian Public Sector Employees 2015*

Scope of the policy and accompanying support procedures

This policy and accompanying support procedures sets out the department's framework to address employee concerns in relation to inappropriate behaviour which may involve discrimination, harassment and bullying.

Sexual harassment

Refer to department's *Sexual harassment policy* if employee concerns are about unwelcome conduct of a sexual nature.

Social media

Refer to department's *Social media policy for employees* for guidance about engaging in social media.

Review of Actions

Refer to the department's *Review of Actions policy* for management *actions or decisions* that an employee may consider to be unfair.

Managing misconduct

Some matters raised under this policy may involve allegations of misconduct and, where necesssary, must be appropriately managed in accordance with the relevant industrial instrument and the department's *Managing Unsatisfactory Performance and Misconduct Policy* (staff employed in accordance with the VPS Agreement) or *Managing Performance and Conduct in Disability Services Policy* (staff employed in accordance with the Disability Services Agreement). These policies provide a framework to manage alleged misconduct by departmental employees.

Definitions

Bullying	WorkSafe Victoria defines workplace bullying as repeated, negative behaviour that is directed towards a person, or group of persons that creates a risk to health or safety.
	Behaviours which are repeated or part of a pattern of behaviour may include:
	• making threats towards another employee;
	• using abusive or offensive words in the presence of another employee;
	• performing abusive or offensive acts in the presence of another employee;
	• directing abusive or offensive acts towards another employee; or
	• acting in any other way that could reasonably be expected to cause physical or mental harm to another employee (including self-harm), or arouse fear of such harm;
	in circumstances where the employee knows or should know that such behaviour is likely to cause physical or mental harm (including self-harm) to the other employee, or arouse fear of such harm. Note that it is also possible to be criminally liable as an 'accessory' or 'abettor' to such bullying.
	The following behaviours, where repeated or occurring as part of a pattern of behaviour, are likely to be workplace bullying: verbal abuse; excluding or isolating someone; psychological harassment; intimidation; assigning meaningless tasks unrelated to the job; giving employees impossible assignments; changing work rosters to deliberately inconvenience particular employees; and deliberately withholding information that is vital for effective work performance.
	These behaviours can occur face-to-face, or via email, SMS messages or social networking sites. This list of behaviours is not exhaustive.
	While a single incident of bullying-type behaviour may not meet the definition of workplace bullying, it may be unacceptable and may constitute inappropriate behaviour.
	Bullying is also a crime and employees need to be aware of what constitutes criminal bullying, such as a physical attack or threat of physical attack, which may constitute occupational violence. Such behaviours are beyond the scope of this policy (see the department's relevant misconduct policies).
Bystander	An employee who observes what they consider to be bullying or inappropriate behaviour toward another employee, understands the nature of the relationship between the parties and the context of the behaviour, and is able to make a positive contribution.
Employee	All workplace participants that includes contractors, consultants and any individuals or groups undertaking activity for or on behalf of the department.

Interpersonal conflict	Interpersonal conflict is a clash between people arising from the actual or perceived opposition of individuals' needs, values and interests. It may arise from personality or style differences, personal issues or organisational factors.
	Where interpersonal conflict arises in the workplace, members of staff are asked to focus on strengthening working relationships by reflecting on the situation and determining the most effective course of action.
Discrimination	Discrimination includes direct or indirect discrimination on the basis of an attribute.
	Discrimination in employment may occur in a number of ways. These include: advertisements; interview questions; refusing to employ someone; setting unfair terms of employment; assigning work; denying access to training programs; refusing or limiting access to opportunities for promotion or higher duties, transfers or other employee benefits; refusing or limiting access to reasonable adjustment; or through termination of employment if the action is based on an attribute.
	Direct discrimination occurs if a person treats, or proposes to treat, someone with a protected attribute (personal characteristic) unfavourably because of that attribute.
	In relation to persons with a disability, direct discrimination also occurs if an employer does not make, or proposes not to make, reasonable adjustments for a person with a disability and a failure to make those reasonable adjustments has the effect of that person being treated unfavourably because of the disability. *Indirect discrimination* occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging a person with a protected attribute and where that requirement, condition or practice is not reasonable.
	The attributes that are protected under anti-discrimination laws are: age; breastfeeding; carer status; disability; employment activity; gender identity; industrial activity; lawful sexual activity; marital status; parental status; physical features; political belief or activity; pregnancy or potential pregnancy; race; religious belief or activity; sex; sexual orientation; and personal association with someone who has, or is assumed to have, one of these attributes. Discrimination on the basis of defence reserve service is also a prohibited ground.
	It is unlawful to directly or indirectly discriminate against someone in employment (with some exceptions).
Harassment	**Unlawful harassment** involves behaviour that: • is unwelcome • offends, humiliates or intimidates the other person (and a reasonable person would have anticipated that the person would feel this way) • often involves an abuse of power. and is based on any of the characteristics protected by anti-discrimination laws. Irrespective of whether the person intended to harass the other person; the law deals only with whether harassment occurred. If the behaviour is not on the basis of a protected personal characteristic it may, instead, be workplace bullying.

Natural justice	The principles of natural justice provide that parties have the right to: • Know exactly what the matter is that they are responding to. This requires disclosure to the employee of all matters alleged, in a manner sufficiently specific to enable the employee to make a full and detailed response. • Giving to the employee the opportunity to show any inaccuracy in any factual matter alleged either in discussion or in writing • Conduct a fair review with an independent, unbiased person. Fairness must not only be done, but must be seen to be done, and the employer must be free of any bias. Natural justice and procedural fairness are deemed to have the same meaning for the purposes of this policy. Although outside the scope of this policy (see the department's relevant misconduct policies) where serious allegations are made it is not sufficient for the employer merely to ask the employee questions about the allegations - the employee is entitled to know the full details of the allegations.
Sexual harassment	**Sexual harassment** is unwelcome conduct of a sexual nature that makes a person feel offended, humiliated or intimidated, and where a reasonable person, having regard to all the circumstances, would anticipate that the other person would be offended, humiliated or intimidated by such conduct. **Sexual harassment** in the workplace may take various forms. It may involve unwelcome physical contact of a sexual nature; subjecting a person to an act of physical intimacy; sexually suggestive comments or jokes (whether verbally, in writing or by email); unwelcome sexual advances such as invitations to go out on dates or requests for sex; sexually explicit materials displayed in the workplace; sexually based insults relating to a person's gender; sexually explicit emails or SMS messages; staring, leering or inappropriate touching; making gestures, actions or comments of a sexual nature in a person's presence (even if not directed at that person).
Social media	Social media is the term used for internet based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared and discussed over open digital networks. Social media may include (although is not limited to): • Social networking sites (e.g. Facebook, LinkedIn, Myspace) • Video and photo sharing websites (e.g. Flickr, Youtube) • Blogs, including corporate blogs and personal blogs • Blogs hosted by media outlets (for example 'comments' or 'your say' feature on theage.com.au) • Micro-blogging (e.g. Twitter) • Forums, discussion boards and groups (e.g. Google groups, Whirlpool) • Vod and podcasting • Online multiplayer gaming platforms (for example World of Warcraft, Second life) • Wikis and online collaborations (e.g. Wikipedia) • Vod and podcasting

	Email and instant messaging
	• Geo-spatial tagging (Foursquare).
Social media also includes all other emerging electronic/digital communication applications.
Vexatious and frivolous claims	Complaints that are undertaken only to cause trouble or inconvenience for the other party are considered vexatious and/or frivolous.
A matter is considered frivolous if it has no reasonable chance of succeeding due to lack of details or facts, and it is vexatious if it would bring hardship on the opposite party to respond to something which lacks information or details.
Complaints with hardly any details/information or facts should be addressed at the local level through local resolution methods.
Victimisation	**Victimisation** is when a person subjects or threatens to subject another person to any detriment because the other person, or a person associated with the other person, makes a claim or complaint.
It is unlawful to subject anyone to victimisation.
In the workplace, this means there must be no 'pay-backs', threats, defamatory comments, retribution or intimidation (for example, as a way of stopping people from raising concerns) against, or directed towards, a employees who has made, or may make, a claim or complaint or any employees who is identified as a witness in a claim or complaint.
Vilification	**Vilification** is when a person, on the grounds of race or religious belief or activity of another person or class of persons, engages in conduct that incites hatred against, serious contempt for, revulsion or severe ridicule of, that other person or class of persons.

What is a positive and fair workplace?

A positive workplace is one where everyone works well together. These work environments are characterised by:

- trust and respect between all levels of staff
- each staff member being treated as an individual
- work relationships that are harmonious and productive
- open discussion that leads to resolution of any conflict
- staff engaged in meaningful work within a culture of improvement
- regular feedback provided openly and respectfully and staff are encouraged to realise their full potential.
- staff having a strong sense of loyalty to the organisation
- high quality leadership and management
- risks being well managed
- good work results being rewarded
- a measure of self-determination over how work is undertaken
- a culture where diversity is respected and valued
- a lack of exclusive 'clubs' and cliques
- opportunities for personal development and career progression
- a high level of creativity and job satisfaction, arising from teamwork and cooperation and utilising peoples' strengths.

What can employees do to contribute to a positive workplace?

- work in accordance with the department's Values, the *Code of* Conduct for Victorian Public Sector Employees 2015 and the *Occupational Health and Safety Act 2004 (Vic)*
- understand and work towards achieving the department's vision
- act in a professional manner, treat people fairly and with respect
- accept their level of responsibility, make decisions and acting accordingly.
- follow departmental policies and procedures
- recognise managers have the authority to manage
- obey all lawful and reasonable instructions
- show consideration and offer assistance to colleagues when they are able to and it is appropriate
- contribute to the establishment of an agreed way of behaving or ground rules for their team and following them
- respect and protect the privacy of colleagues.

What can managers do to create a positive workplace?

- model respectful behaviours at all times
- promote and support respectful, positive and fair workplaces
- ensure employees are aware of what are acceptable behaviours
- treat staff well, recognise and reward their efforts and contribution
- regularly monitoring the work environment
- ensure that reports of bullying, harassment or discrimination are taken seriously and acted upon in a prompt and timely manner
- treating information in relation to claims of bullying, harassment or discrimination with appropriate confidentiality.

Related documents

There are a range of resources including policies and guidelines available to assist managers. These include:

- Review of actions policy and procedure: provides a review process for employees with concerns about management actions or decisions that directly and adversely affect them.
- Conflict of interest policy: provides a framework for managers, employees and contractors to address and manage any real or apparent conflict of interest risks and provide guidance in addressing and monitoring those risks.
- Managing performance and conduct in Disability Services Policy: provides a framework to address and resolve performance and conduct issues, including unsatisfactory performance and misconduct including serious misconduct.
- Managing Unsatisfactory Work performance and Misconduct Policy – Victorian Public: provides a framework to address and resolve performance and conduct issues, including unsatisfactory performance and misconduct including serious misconduct.
- Reasonable adjustment policy and procedure: provide a framework for implementing reasonable adjustments to enable persons with a disability to perform the inherent requirements of their job.
- Health, safety and wellbeing policy: states the department's commitment to safeguarding the health, safety and wellbeing of its employees and others in the workplace and outlines how this will be achieved.
- Sexual Harassment policy: promotes a workplace where sexual harassment will not be tolerated.

- Social media policy for employees: guidance about engaging in social media.
- Privacy policy and procedure: commits the department to compliance with the principles outlined in privacy legislation and to use these as the standards for handling personal and health information.
- Charter of Human Rights and Responsibilities (Vic): is designed to promote better government and to create a culture of human rights within government.
- How positive is your work environment? The organisational, management and individual perspective on making improvements at work produced by the Victorian Public Sector Commission.
- Bullying myths and facts: produced by the Victorian Public Sector Commission to assist managers with responding to complaints of bullying.
- Developing Conflict Resilient Workplaces: provides an implementation guide for Victorian public sector managers and teams on how to develop conflict resilient workplaces produced by the Victorian Public Sector Commission.
- Reward and Recognition Program: departmental guidelines for acknowledging the behaviours and performance, which align with the department's strategic objectives and client focussed culture.

Legislation/standards/industrial agreements

Legislation

- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- *Protected Disclosure Act 2012* (Vic)
- *Public Administration Act 2004* Vic)

Standards, codes, values and guidelines

The Victorian Public Sector Commission's:

- *Code of Conduct for Victorian Public Sector Employees 2015*

Industrial agreements

VPS Agreement	Victorian Public Service Enterprise Agreement 2016 (or its replacements)
Disability Services Agreement	HACSU Department of Human Services Disability Services Enterprise Agreement 2012 – 2016 (or its replacements)

Confidentiality and privacy

It is important that appropriate confidentiality is maintained with matters managed under this policy. If disclosure of matters is required from time to time, this should be restricted to those with a direct need to know and it is recommended that advice from local people and culture or privacy contacts be sought prior to release of material that may contain personal details. The disclosure of Information may be restricted where legislative or other confidentiality obligations restrict disclosure from occurring.

Review of Actions

Employees can lodge a Review of Actions under the *Review of Actions policy* at any point after a departmental action or decision has been made that adversely and directly affects them and is considered by the employee to be:

- unfair or unreasonable
- in breach of an act or policy that applies to the employee, or
- infringes on the principles of merit and equity.

Vicarious liability

The *Equal Opportunity Act 2010* (Act) came into effect on 1 August 2011. One of the key aspects of the Act is that there is a positive duty to eliminate discrimination, sexual harassment and victimisation in the workplace. While the department is required to be proactive and take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible, it is important that all individual employees understand how they can contribute to fulfilling their positive duty.

Employers may responsible for acts of discrimination, bullying, sexual harassment, victimisation and racial and religious vilification by their staff or agents that occur in the workplace or in connection with a person's employment, unless they can show they have taken reasonable precautions to prevent such acts. This is known as vicarious liability.

Victimisation

Victimisation is threatening or subjecting an employee to a detriment because they raise an issue in accordance with this policy. It is against the law to victimise an employee and any person found to victimise, harass or take reprisal action against people participating in processes associated with this policy may be subject to a separate misconduct process.

Misconduct or potential criminal matter

Where the conduct complained of is assessed to constitute behaviour requiring disciplinary action, the department may take further steps without the need for the complainant to agree. Further action may include but is not limited to action under in accordance with the Department's policies that provide a framework to manage alleged misconduct or referring the matter to the police in the event of activity that may be an offence under the criminal law.

If an allegation appears to be a matter relevant to the police, the department is obliged to report this to the Police in accordance with the *Reporting Employee Criminal Conduct* Policy and the *Protocol between Victoria Police and Department of Health & Human Services.*

It is recommended that management seek advice from the local people and culture unit for advice on individual matters, as each matter must be considered on its own facts.

Information or claims without substance

Employees found to have knowingly provided false information, or knowingly made allegations of inappropriate behaviour without any substance merit, may be subject to action in accordance with the department's policies that provide a framework to manage alleged misconduct.

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Email: <fair.treatment@dhs.vic.gov.au>
For further information please contact your local people and culture unit

<https://intranet.dhhs.vic.gov.au/hr-contacts>

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