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Australian Government
Department of Foreign Affairs and Trade



Preventing Sexual Exploitation, Abuse and Harassment Policy

4 April 2019

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SECRETARY'S FOREWORD

I am pleased to present the Department's Preventing Sexual Exploitation, Abuse and Harassment Policy.

We all have a responsibility to act in an ethical and transparent way to build a respectful working culture that rejects inappropriate behaviour, and where staff and communities feel supported and valued. While there has been significant media coverage of sexual misconduct in the aid sector recently, no sector, region or workplace is immune. For this reason, the Policy applies to all DFAT business, in Australia and overseas.

This Policy requires a heightened commitment and new ways of doing business. We have an opportunity to provide leadership by choosing to partner with—and fund— only those organisations which are prepared to meet the standards we set.

Sexual exploitation, abuse and harassment are insidious and require a long-term, global solution. DFAT will take every opportunity to advocate on this issue – to governments, organisations, and business. We will use our voice in everyday conversations as well as in international meetings. We will be transparent about our own endeavours, and will share our findings.

I thank everyone who contributed to this Policy. This Policy will be independently reviewed in mid-2020. We look forward to continuing to engage with and learn from others as we strengthen and refine our approach to this important issue.



Frances Adamson
Secretary
Department of Foreign Affairs and Trade
April 2019

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1. INTRODUCTION

The Department of Foreign Affairs and Trade (DFAT) does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind. This applies to our own organisation and extends to those we work with. Alongside others, we continue to strengthen our approach to safeguarding – by enhancing accountability, improving support for people affected, and driving cultural change through strong leadership.

The Policy outlines both expectations and requirements for DFAT staff and our partners to manage the risk of SEAH and SEAH incidents, should they occur in the delivery of DFAT business. Preventing SEAH (PSEAH) is a shared responsibility. All organisations must play an active role in addressing SEAH that occurs in the course of their business — only if all parties take action will we have meaningful change. The Policy places the onus on all DFAT partners to manage the risk of SEAH.

The Policy is able to be adapted to the many contexts in which DFAT business is delivered. DFAT staff and partners will need to apply judgment based on the risk context in which they are operating.

Key definitions

This Policy uses the following descriptions of sexual exploitation, sexual abuse and sexual harassment, which combine international and Australian definitions:

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

Sexual harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

For more definitions, see *Glossary.*

DFAT will give practical effect to the Policy through agreements, reporting requirements and regular communication to our staff and partners. In recognition of the requirements and expectations under the Policy, **it will be implemented incrementally** — see *Section 7 — Implementation and date of effect.* DFAT will review the Policy after 12 months, then every three years. DFAT appreciates our partners

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collaborative approach in developing the Policy and looks forward to ongoing collaboration during implementation.

This Policy addresses the sexual exploitation, abuse and harassment of adults. It does not replace DFAT's Child Protection Policy. The Child Protection Policy can be found at www.dfat.gov.au/childprotection and details what DFAT officers and partners are required to do in circumstances where a child is being abused, is suspected of being abused, or is at risk of abuse.

2. SCOPE

There are four groups in policy scope:

1. DFAT staff, specifically:
    - DFAT employees engaged pursuant to the *Public Service Act 1999*
    - Locally engaged staff (LES) employed outside Australia
    - Independent contractors working in DFAT.

DFAT staff are expected to comply with the principles and reporting requirements specified in this Policy. DFAT staff are reminded of other obligations which may apply to them, including the *Australian Public Service (APS) Values* and *APS Code of Conduct*, the *DFAT Code of Conduct for Overseas Service*, the applicable *LES Code of Conduct*, the *DFAT Conduct and Ethics Manual*, and *DFAT's Anti-bullying, Harassment and Discrimination Policy*.

2. DFAT partners who have agreements in place with DFAT (funded and unfunded). This includes, but is not limited to:
    - Contractors and their personnel
    - Consultants, advisors and contracted individuals
    - Non-government and civil society organisations
    - Sponsorship partners
    - Board members
    - Australian Volunteers Program participants and host organisations
    - Recipients and awardees under the Australia Awards, New Colombo Plan, Alumni, and other DFAT funded scholarship programs
    - Seconded staff to and from DFAT
    - DFAT grant recipients, including under the Australian NGO Cooperation Program (ANCP), Direct Aid Program (DAP), Sports Diplomacy programs, public diplomacy programs (including funding to Foundations, Councils and Institutes), and Friendship Grants.

These groups are expected to apply the Policy commensurate with the level of SEAH risk associated with the activity and their organisation. More information is provided in *Section 4 — Risk assessment.*

3. Partner governments and multilateral organisations:
    - Australian Government and Australian State and Territory Government agencies which have agreements in place with DFAT (funded or unfunded)
    - Multilateral partners
    - Other partner governments.

These groups are expected to act in accordance with the principles and reporting requirements outlined in this Policy. They must also abide by their own relevant policies, international declarations, conventions, agreements and domestic legal frameworks that relate to preventing sexual exploitation, abuse and harassment. Through our partnership agreements and board memberships, DFAT will ensure PSEAH is part of due diligence processes for these organisations, and seek assurances of their application.

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4. **Downstream DFAT partners**, that is, contractors, subcontractors, partners and any other entity engaged by DFAT partners to perform any DFAT-related work. Application of the Policy to downstream partners is the responsibility of the partner with whom DFAT has an agreement. DFAT will require evidence of this application as part of their risk management processes.

3. PRINCIPLES

The Policy is underpinned by the six principles outlined below. The principles reflect Australia's international commitments to address SEAH[1] and Australian initiatives to reduce violence against women and their children.[2]

Principle 1: Zero tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. DFAT recognises that achieving a significant reduction in SEAH is a long-term endeavour. Zero tolerance is not the same as zero incidents. Reports of incidents may increase as organisations improve safeguards. Increasing reports may indicate growing awareness of SEAH and changing attitudes, with victims/survivors feeling more comfortable to report and organisations more likely to take action. The reporting of incidents and responses is an indicator that the risk of SEAH is being managed appropriately.

For this Policy, DFAT defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

Principle 2: Strong leadership accelerates culture change

Culture change is underway in many organisations. Strong leadership is essential for accelerating the pace of change. Leaders set organisational culture. DFAT expects leaders to set clear expectations and model respectful behaviour in their interactions at work. This will support communities, victims/survivors and whistleblowers to feel safe, report concerns and be assured their allegations are taken seriously.

Strong leaders address SEAH by taking measures to improve diversity and inclusion. Diverse and inclusive organisations have lower levels of harassment and discrimination[3]. This can include strong, actionable human resource procedures that embed gender equality and PSEAH; inclusion of PSEAH discussions on board meeting agendas; having senior champions responsible for PSEAH and encouraging staff gender balance particularly in senior roles. Leaders should encourage scrutiny of their own behaviour and that of senior management.

Principle 3: Victim/survivor needs are prioritised

Action to address SEAH should be underpinned by a "do no harm" approach prioritising the rights, needs, and wishes of the victim/survivor, while ensuring procedural fairness to all parties. This approach:

- treats the victim/survivor with dignity and respect
- involves the victim/survivor in decision making
- provides the victim/survivor with comprehensive information

[1] Chiefly, the Collective Statement of the Members of the Secretary-General's Circle of Leadership on the Prevention of and Response to Sexual Exploitation and abuse in United Nations Operations; the Tidewater Joint Statement on Combating Sexual Exploitation and Abuse in the Development and Humanitarian Sectors; the Whistler Declaration on Protection from Sexual Exploitation and Abuse in International Assistance; and the commitments made by donors at the 2018 United Kingdom Safeguarding Summit.
[2] In particular, the *National Plan to Reduce Violence against Women and their Children, 2010-2022.*
[3] Diversity Council of Australia, *Inclusion@Work Index*, 2017-18, https://www.dca.org.au/research/project/inclusion-index

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- protects privacy and confidentiality
- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
- considers the need for counselling and health services to assist the victim/survivor with their recovery [4].

Principle 4: Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

Preventing Sexual Exploitation, Abuse and Harassment is everyone's responsibility. Real change to reduce SEAH will not occur unless every sector plays a role — government, business, non-government organisations, institutions, communities and individuals. DFAT requires the commitment, support and investment of its partners for this Policy to be effective. All organisations have a responsibility to build their capacity to deal sensitively and effectively with SEAH that occurs in the course of their work.

Principle 5: Gender inequality and other power imbalances are addressed

Available data indicates that the majority of SEAH victims/survivors are female and the majority of perpetrators are male[5]. However, there are also other power imbalances at play. Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring. Engagement with intended beneficiaries should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong "do no harm" focus.

Although they are not in scope for this Policy, children are at high risk of SEAH — particularly children with disability, children living in residential or institutional care, children who have experienced previous trauma or abuse, trafficked children, and gender diverse children and young people. DFAT's Child Protection Policy can be found at www.dfat.gov.au/childprotection.

Principle 6: Stronger reporting will enhance accountability and transparency

Sexual exploitation, abuse and harassment is a failure of responsibility. The organisations and individuals who deliver DFAT business are not only accountable to DFAT, but also to the communities, customers and clients for whom the business is intended. Stronger reporting allows DFAT to better monitor SEAH, understand risks, improve assurance and work with organisations to improve systems and safeguards accordingly. Reporting will also help to focus organisations on the issue by providing a regular prompt that PSEAH is a core obligation of their work.

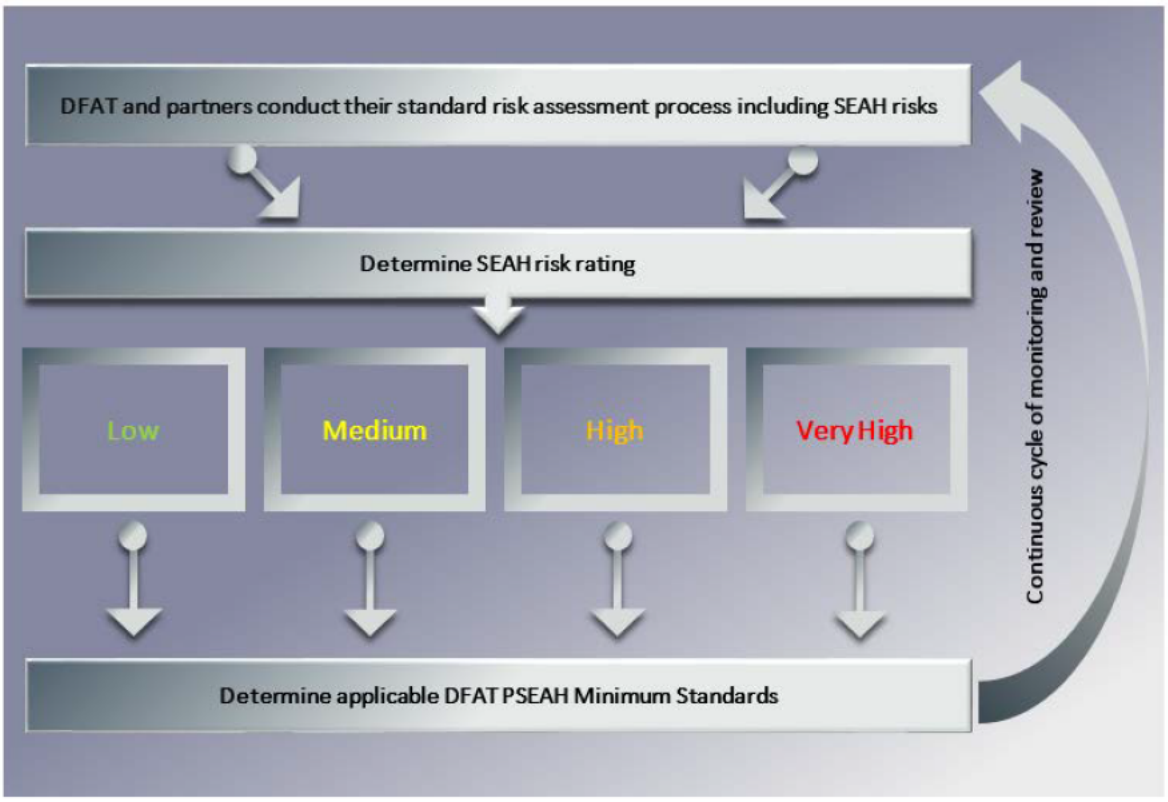
[4] UN Women, 2011, *Virtual Knowledge Centre to End Violence against Women and Girls: Survivor Centred Approach*, http://www.endvawnow.org/en/articles/652-survivor-centred-approach.html
[5] Victorian Institute of Forensic Medicine, 2018, *Shaping the Path: Independent Review into the Practice and Response of ACFID Members in the Prevention of Sexual Misconduct,* pp.47-60.

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4. RISK ASSESSMENT

The Policy takes a risk-based, proportional approach to PSEAH. DFAT staff and partners must assess the level of risk for SEAH occurring, and apply the PSEAH Minimum Standards (Attachment A) accordingly (see flow diagram below). Guidance on assessing the risk of SEAH is provided to assist DFAT partners determine the level of risk. PSEAH Minimum Standards are then applied commensurate with the level of risk identified (Diagram 1 refers). There will be some instances where, in line with taking a proportional approach, the Minimum Standards will not apply. This is outlined in greater detail in the Guidance.

Diagram 1: *Establishing the level of SEAH risk*



Risk and decision-making processes and documents need to reflect this assessment. This does not need to be a standalone procedure, and can be incorporated into existing activity planning and risk management processes.

It is the responsibility of DFAT partners to ensure controls are in place to manage and monitor the risk of SEAH and ensure processes are adhered to. It is the responsibility of DFAT to ensure that partners have SEAH controls in place and that those partners systems and assurance processes are robust.

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Exploitative sex and relationships

Men and women can be sexually exploited through **transactional sex** (the exchange of money, employment, goods or services for sex or sexual acts), even in places where sex work is legal. After a crisis, people may engage in transactional sex to generate income and meet basic survival needs. They may not identify with the term "sex worker". For a person purchasing sex in this setting, it is often impossible to distinguish between exploitative and non-exploitative transactional sex.

Fraternisation refers to any relationship occurring in the course of conducting business, that involves — or appears to involve — partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

Where there are significant power imbalances at play (based on gender, age, ability, authority, social and economic inequality, etc) the potential for exploitative transactional sex and fraternisation is heightened.

It is important that DFAT staff and partners consider whether the contexts in which they are working give rise to exploitative sex and fraternisation. The risk assessment guidance associated with this Policy will help to determine the likelihood of transactional sex or fraternisation constituting sexual exploitation. Where DFAT business is classified as "very high risk", Minimum Standards 6 and 7 of this Policy, relating to the prohibition of transactional sex and fraternisation respectively, will apply. For more information, see Attachment A.

5. REPORTING

Reporting helps us to monitor SEAH incident management. When alleged incidents are reported, we will work with the organisation or individual to track incident management. Over time, reporting will allow us to analyse trends and improve prevention and response strategies. In line with our transparency agenda, DFAT will report annually on Policy implementation — not individual cases.

In accordance with Principle 3 — *Victim/survivor needs are prioritised* — victims' and survivors' safety and wellbeing must be paramount to reporting and their information treated confidentially. Whistleblowers must similarly feel safe and protected during the reporting process.

DFAT expects two kinds of incident reporting:

- **Mandatory and immediate** (within two working days of becoming aware of an alleged incident) reporting by all staff and DFAT partners of any alleged incident of sexual exploitation, abuse or harassment related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. For example, an allegation against a senior staff member of a partner organisation.
- **Mandatory reporting** (within five working days) by all staff and DFAT partners of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

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Who reports

All DFAT staff and partners as defined under the Policy's scope (see *Section 3 - Scope*) must report any alleged incidents of sexual exploitation, abuse or harassment or Policy non-compliance.

What is reported

Reporting is for any suspected or alleged cases of SEAH perpetrated by anyone within scope of the Policy in connection with official duties or business.

If in doubt, staff and DFAT partners should report an alleged incident. In line with Principle 1 — *Zero tolerance of inaction* — individuals and organisations found not reporting alleged incidents will be viewed as being non-compliant.

Reports of abuse or exploitation of individuals under the age of 18 years must follow DFAT's Child Protection Policy – see www.dfat.gov.au/childprotection.

How to report

All reports of alleged SEAH incidents should be made using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form (www.dfat.gov.au/pseah) and emailed to s 47E(d) @dfat.gov.au.

DFAT staff are reminded of their additional reporting obligations under DFAT's Anti-bullying, Harassment and Discrimination Policy.

Where safe to do so, and when in accordance to the wishes of the victims, survivors and whistleblowers, **all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels**. To protect the privacy of alleged perpetrators, victims/survivors, and whistleblowers, information provided to DFAT will be handled in accordance with the *Privacy Act 1988 (Cth)*.

Annual reporting requirements will be detailed in agreements where required.

6. COMPLIANCE AND ASSURANCE

DFAT will monitor compliance through a range of approaches including performance assessments, reviews, non-government organisation accreditation processes and due diligence checks. Partner organisations are expected to put in place appropriate risk-based measures to ensure they and their suppliers comply with this Policy.

Non-compliance with requirements may lead to DFAT suspending or terminating an agreement with a partner. More information on Policy non-compliance will be forthcoming at www.dfat.gov.au/pseah.

7. IMPLEMENTATION AND DATE OF EFFECT

The Policy will be implemented incrementally from 1 July 2019. More information on implementation can be found at www.dfat.gov.au/pseah

For enquiries, guidance, or information on the PSEAH Policy:

Email: s 47E(d) @dfat.gov.au

Telephone: s 22(1)(a)(ii)

Web: www.dfat.gov.au/pseah

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MINIMUM STANDARDS

The Policy takes a risk-based, proportional approach to PSEAH. DFAT staff and partners must assess the level of risk for SEAH occurring, and apply minimum standards accordingly. Guidance on assessing the risk of SEAH is provided to assist DFAT partners determine the level of risk. The PSEAH Minimum Standards are then applied commensurate with the level of risk identified.

DFAT PSEAH Minimum Standards						
Minimum standard	Obligation		Applies to			
	Organisations	Individuals	Low Risk	Med Risk	High Risk	Very High Risk
1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.	Must have a PSEAH policy or other documented policies and procedures in place, which clearly meet the expectations of this Policy.	Sign a document outlining appropriate and enforceable standards of conduct, compliant with the requirements of this Policy	✓	✓	✓	✓
2. Have reporting and investigation procedures in place.	The PSEAH policy, or equivalent, documents how SEAH incidents will be managed, reported and investigated. Reporting and investigation processes must include engagement of and reporting to senior management and executive boards.	Through a document which outlines appropriate and enforceable standards of conduct, confirm awareness of DFAT's PSEAH reporting requirements for concerns or incidents and policy non-compliance.	✓	✓	✓	✓
3. Have risk management processes that include the risk of SEAH.	Have effective risk management processes that include consideration of the risk of SEAH. The process must document the controls already in place or to be implemented to reduce or remove risks.	Must meet the reporting requirements under their agreement, aligned to DFAT's PSEAH Policy.	X	✓	✓	✓

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DFAT PSEAH Minimum Standards						
Minimum standard	Obligation		Applies to			
	Organisations	Individuals	Low Risk	Med Risk	High Risk	Very High Risk
4. Effective PSEAH training in place.	PSEAH training for personnel, including downstream partners and individuals that deliver DFAT business.	Complete PSEAH training and provide evidence of this.	X	X	✓	✓
5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Can demonstrate robust PSEAH recruitment and screening processes for all personnel/consultants including having in place appropriate and enforceable standards of conduct.	Based on a risk assessment, assurances could include providing a recent police check, working with vulnerable people check or location specific equivalent that provides assurance reasonable SEAH precautions have been taken. Local requirements must also be followed.	X	X	✓	✓
6. Prohibit transactional sex for all personnel, while engaged in the direct delivery of DFAT business	Prohibits transactional sex in the field for all staff and downstream partners while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting transactional sex while engaged in the delivery of DFAT business.	X	X	X	✓
7. Prohibit fraternisation for all non-national personnel, while engaged in the direct delivery of the DFAT business	Prohibits fraternisation for all non-national personnel in the field while engaged in the delivery of DFAT business	Employment agreements include clauses prohibiting fraternisation for all non-national individuals while engaged in the delivery of DFAT business	X	X	X	✓

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GLOSSARY

AGREEMENT	A contract, grant agreement or other arrangement entered into by DFAT and a DFAT partner, whether legally binding or not.
CHILD/CHILDREN	In accordance with the United Nations Convention of the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this Policy, DFAT considers a child to be a person under the age of 18 years.
CONTRACTOR(S)	A person or entity engaged pursuant to a contract for services. Includes: • specified personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors): or • If the person performing the service is the service provider; he/she is an independent contractor.
DFAT PARTNER	Includes all suppliers, individuals and organisations with whom DFAT directly enters into an Agreement to deliver its objectives, including but not limited to: • suppliers of goods and services • contractors and service providers including consultants, advisers and other directly contracted individuals • non-Government Organisations (NGO), Civil Society Organisations (CSO) • grant recipients • multilateral organisations • partner governments and bilateral donor partners • other Australian Government entities.
DFAT BUSINESS	Actions taken or work performed by a DFAT Partner pursuant to an Agreement.
DFAT STAFF	A person engaged as an employee under section 22 of the *Public Service Act 1999* as either an ongoing or non-ongoing employee, or a person engaged under a contract of employment by the Commonwealth outside of Australia. For the purposes of this Policy, Contractors are included in the definition of DFAT Staff.
DOWNSTREAM PARTNER	Suppliers, individuals and organisations who are engaged by a DFAT Partner to perform DFAT business.
FRATERNISATION	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

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GRANT	an arrangement for the provision of financial assistance by DFAT: • under which DFAT money is to be paid to a DFAT partner; and • which is intended to assist the DFAT partner to achieve its objectives, as well as to help achieve one or more DFAT policy outcomes.
MULTILATERAL PARTNER	International intergovernmental institutions with governmental membership. They include multilateral development banks, United Nations agencies and regional groupings.
PERPETRATOR	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.
SEXUAL ABUSE	The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent[6] is considered to be sexual abuse.
SEXUAL EXPLOITATION	Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
SEXUAL HARASSMENT	A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel. Some examples of behaviour that may be sexual harassment include: • staring or leering; • unnecessary familiarity, such as unwelcome affection or touching; • suggestive comments or jokes; • insults or taunts of a sexual nature; • intrusive questions or statements about your private life; • displaying posters magazines or screen savers of a sexual nature; • sending sexually explicit emails or text messages; • inappropriate advances on social networking sites; • accessing sexually explicit internet sites; • requests for sex or repeated unwanted requests to go out on dates; and

[6] Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age.

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	• behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault , stalking or obscene communications.
TRANSACTIONAL SEX	The exchange of money, employment, goods or services for sex, including sexual favours.
VICTIM/SURVIVOR	A person who is, or has been, sexually exploited, harassed or abused.

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Australian Government

Department of Foreign Affairs and Trade



ANTI-BULLYING, HARASSMENT AND DISCRIMINATION POLICY

March 2021

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Document Revision History

Version	Date	Change	Approved by (position)
1	June 2014	New policy following integration of AusAID and DFAT Incorporating new Anti-bullying provisions under the *Fair Work Act 2009*	FAS CMD
2	November 2018	Updated to incorporate additional information on sexual harassment exploitation and abuse.	Secretary
3	July 2019	Updated to incorporate: • Additional phone number on page 14 under Support – Anti-bullying, Harassment and Discrimination Officer • Additional phone numbers on page 10 under Internal Reporting Options • Adding the words 'relationship status and intersex status' under Discrimination on pages 6 and 16.	A/g Director, EES
4	November 2019	Updated to amend definition of discrimination on pages 6 and 16.	Director, EES
5	November 2020	Updated to reflect structural changes in Performance Development and Safety Branch. • Updated to remove reference to an Anti-Bullying, Harassment and Discrimination Officer on pages 3, 12 and 14. • Name of branch updated on page 4. • Name of section updated on pages 10 and 12. • Various contact numbers and emails updated on page 10.	Director, EHS

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SECRETARY'S FOREWORD

I am pleased to present the revised version of the Department of Foreign Affairs and Trade's (DFAT) *Anti-Bullying, Harassment and Discrimination Policy*. This update builds on, and strengthens, the policy since its last update in June 2014.

Our work, in Australia and overseas, requires us to operate in a range of difficult and challenging environments. As a result, it is even more vital that we have a strong workplace culture that makes all staff feel supported and valued.

This revised policy seeks to further embed a workplace culture where all staff exhibit respect, integrity, courage and accountability.

Every one of us is responsible for challenging unacceptable behaviour and all employees are encouraged to speak out against bullying, harassment and discrimination. Our focus is on prevention, but we also take a zero tolerance stance against bullying, harassment and discrimination of any kind.

We all set the tone and take responsibility for achieving our shared goal, to have safe, respectful, positive and inclusive work environments for all.

DFAT works hand-in-hand with other government agencies and non-government partners, and they are an important part of our workplace at post. We will collaborate closely with them in implementing this policy and seek their commitment to embody the values it espouses.

As we seek to strengthen our work culture and practices, we will need to keep a close eye on our progress, measuring and reporting on both our successes and where we fall short. This policy update will provide the basis for us to do that. It is everyone's responsibility to ensure that DFAT leads by example and that our workplaces are safe and welcoming for all.

Frances Adamson, Secretary

November 2018

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POLICY

This policy applies to all DFAT Australian Public Service (APS) employees (ongoing and non-ongoing). It also applies to locally engaged staff and persons providing contractual services for the department to the extent that the policy is consistent with local law and/or the terms of any contract.

The department is committed to providing a workplace that is free from workplace bullying, harassment and discrimination behaviours and is fair, flexible, safe and rewarding. Employers, employees and other workers have shared obligations for creating respectful and courteous workplaces.

Workplace bullying, harassment and discrimination are a risk to health and safety and are not tolerated in DFAT. Under the *Work Health and Safety Act 2011*, the department has a duty to ensure, so far as is reasonably practicable, that the health and safety of all DFAT employees are not put at risk from work carried out in conducting the department's business. All employees and other workers must take reasonable care that they do not adversely affect the health and safety of others. This includes eliminating incidents of bullying, harassment and discrimination.

Bullying, harassment and discrimination are breaches of the APS Values and APS Code of Conduct as set out in the *Public Service Act 1999*. For employees serving overseas, bullying, harassment and discrimination are also a breach of the department's LES Code of Conduct and/or Code of Conduct for Overseas Service. Such behaviour can also be unlawful under various Commonwealth, State and Territory legislation and foreign jurisdictions.

We must all uphold the APS Values, which require us all to be *Impartial, Committed to service, Accountable, Respectful and Ethical.* In addition, we place particular importance on DFAT values that define how we work and shape our culture, being *Achievement; Leadership and Accountability; Valuing People and Collaboration*.

DFAT has a zero tolerance for bullying, harassment and discrimination. Such behaviours may also be unlawful under anti-discrimination legislation (such as sexual harassment or racial vilification).

DFAT also has a zero tolerance for sexual exploitation and abuse of any kind. Any allegations of such criminal conduct must be reported immediately through the appropriate channels. While this policy focuses predominately on anti-bullying, harassment and discrimination, it also provides guidance on how to report such allegations.

The department encourages all employees to speak out against bullying, harassment and discrimination where they experience or witness it and will do all it can to ensure people feel safe and supported when doing so. Section 14(f) of the Australian Public Service Commissioner's Directions 2016 provides a positive obligation to report and address misconduct and other unacceptable behaviour by public servants in a fair, timely and effective way.

In circumstances where bullying, harassment or discrimination issues arise, the department will take prompt action to address the issues.

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RESPONSIBILITIES

Everyone is responsible for making the department a safe and inclusive workplace and we should call out unacceptable behaviour if we experience it or see it. We are all responsible for treating others with respect and courtesy.

Leaders must demonstrate inclusive leadership and create an environment where staff feel valued and respected. Leaders are to be role models for professional, respectful behaviour. Senior Executive Service (SES) in particular have an obligation to promote the APS Employment Principles and compliance with the Code of Conduct by personal example.

The department is responsible for ensuring:

- appropriate policies are implemented and maintained regarding bullying, harassment, sexual harassment and discrimination and sexual exploitation and abuse;
- information and training material is easily accessible;
- reporting processes are in place for reporting bullying, harassment and discrimination;
- reporting processes are in place for reporting sexual exploitation and abuse including against children and vulnerable people;
- the early intervention in allegations of workplace bullying, harassment and discrimination and fair treatment of all concerned;
- appropriate and timely resolution of any allegations of workplace bullying, harassment and discrimination; and
- a network of trained Diversity and Anti-Harassment Officers (DAHOs) is maintained.

All employees have a responsibility to:

- treat everyone with respect and courtesy and behave in accordance with the APS Values, Employment Principles and Code of Conduct as set out in the *Public Service Act 1999* and Commonwealth and/or State/Territory Legislation (where applicable in accordance with the employment relationship);
- comply with any lawful and reasonable instruction including, but not limited to, reasonable management actions associated with performance management processes, work tasking and directions and on compliance with departmental policies;
- complete any required training including the mandatory e-learning modules on Anti-bullying, Harassment and Discrimination;
- raise any concerns quickly so they can be addressed;
- report inter-personal conduct and behaviour they believe are not consistent with the APS Values and Code of Conduct to their supervisors, managers, Senior Administrative Officers (SAOs), Heads of Missions (HOMs), Heads of Posts (HOPs) or s 47E(d) @dfat.gov.au;
- report suspected breaches of the Code of Conduct to the Employee Conduct and Ethics Section; and
- take reasonable care for their own health and safety.

Managers, supervisors, SAOs, Heads of Missions (HOMs), Heads of Posts (HOPs) are responsible for:

- implementing this policy and being alert to bullying, harassment and discrimination issues in the workplace;

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- considering the impact unacceptable behaviour can have on staff;
- addressing concerns in a fair way for all those involved and taking timely action in response to any issues;
- being aware of responsibilities to report relevant conduct to the Employee Conduct and Ethics Section;
- supporting the Diversity and Anti-Harassment Officer (DAHO) network across the department;
- ensuring that staff are safe from bullying, harassment and discrimination and vexatious claims of bullying, harassment and discrimination; and
- ensuring that staff understand the differences between legitimate exercise of authority and bullying behaviour.

If an employee does not wish to pursue action when reporting unacceptable behaviour to their manager, this does not mean that a manager should take no action. Failure to address real or perceived bullying, harassment or discrimination, and provide appropriate support, may be seen as condoning such behaviour and may breach both the manager's and the department's duty-of-care obligations. More importantly, it can leave people in circumstances where serious harm can occur.

Diversity and Anti-Harassment Officers (DAHOs) are responsible for:

- undertaking required training;
- providing support options and information to employees on the internal and external processes available to resolve issues;
- raising awareness of diversity and inclusiveness and promoting events throughout the year;
- ensuring information on workplace policies are appropriately disseminated;
- acting as a point of contact for their Branch/Division/Post/work area;
- maintaining confidentiality and appropriate records;
- providing quarterly statistical reporting to the Performance, Development and Safety Branch (PDB) ; and
- keeping management informed of general issues arising in relation to diversity and workplace bullying, harassment and discrimination.

DAHOs undertake this role on a voluntary basis. DAHOs are available to listen to colleagues who wish to have a confidential conversation. DAHOs cannot advise or tell someone what they can do. Nor can they take any action on your behalf.

PDB will coordinate DAHO training and maintain records. Posts/Divisions/State and Territory Offices/APO managers are responsible for funding training including appropriate travel and accommodation for DAHOs.

BULLYING

Under the *Fair Work Act 2009*, bullying occurs when a person or group of people behaves unreasonably and repeatedly towards a worker or group of workers while at work, and the behaviour creates a risk to health and safety. Bullying does not include reasonable management action carried out in a reasonable manner.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

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Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
A **risk to health and safety** means the possibility of an injury or illness occurring. This may include physical or psychological injury or illness.

At work does not just relate to actions that are confined to the physical workplace but can relate to activities of the employee at another location or while the employee is not actively engaged in work. For example, a work trip conducted outside of normal working hours, working from home or out of hours functions attended by work colleagues.

When using social media in any capacity, it is important to remember you are still bound by the Code of Conduct. This includes social media use outside the physical workplace and at any time. Any inappropriate posts and comments connected to DFAT or colleagues could constitute bullying or harassment or some other breach of the Code of Conduct. The Australian Public Service Commission's guidance on the use of social media is instructive (https://www.apsc.gov.au/making-public-comment-social-media-guide-employees).

HARASSMENT

Harassment is unwanted and offensive, humiliating or intimidating conduct or behaviour by a person or persons directed towards another person. If based on an attribute such as a person's age, gender, race, religion, disability, sexual orientation, gender identity and/or expression it could also be discrimination.

Some forms of harassment if repeated may also be bullying.

Examples of workplace bullying and harassment include:

- telling insulting jokes about particular groups;
- sending inappropriate emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about someone's personal characteristics;
- asking intrusive questions about someone's personal life;
- physical behaviour – assault, intimidating or aggressive body language;
- verbal abuse – offensive language or derogatory remarks about lifestyle choices, physical or mental abilities, or racial or ethnic background;
- behaviour or language that threatens, frightens, humiliates or degrades – shouting and screaming, tone of voice, sarcasm and insults, whether face-to-face, in emails, online, or other electronic forums;
- 'initiations' or pranks; or
- unduly interfering with a person's personal property or work equipment.

Some subtle patterns of behaviour can also be considered bullying or harassment, for example:

- ostracism – physical or social isolation, unreasonable exclusion from work-related activities, not acknowledging or responding to an individual's presence or comments, leaving the room when a person enters;
- undermining – persistent and baseless criticism, unwarranted removal of responsibility, ridicule, taunts, hectoring, spreading gossip and rumours (either verbally, by email or social media), including inappropriate

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remarks in emails about a person sent to and/or copied to others, belittling or derogatory remarks or actions that diminish a person's dignity (such as eye-rolling responses); and
- purposefully confusing and/or contradictory instructions, inappropriately and frequently changing targets and work deadlines, unnecessary disruptions, deliberately withholding important information, deliberately failing to complete tasks or missing deadlines, insisting on petty work requirements.

Workplace bullying or harassment can occur:

- between employees at the same or different classifications - it can be directed sideways, upwards at supervisors or managers as well as downwards;
- between employees in the same or a different work area or agency;
- between employees and contractors and/or labour hire staff or funded partners;
- during work-organised events or possibly even outside work hours;
- face-to-face or by remote, including via email or social media; and
- while off-site, for example external meetings, on regional or interstate visits, or on short-term missions or overseas postings.

DISCRIMINATION

The *Australian Human Rights Commission Act 1986* defines discrimination as any distinction, exclusion or preference made on the basis of age, race, including colour, national or ethnic origin or immigrant status, sex, pregnancy, religion, political opinion, family responsibilities or breastfeeding that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Discrimination can also occur in distinguishing or preferencing people on the grounds of disability, sexual orientation, relationship status, intersex status, gender identity and/or expression.

Discrimination can be direct or indirect. Direct discrimination occurs where a person or group receives less favourable treatment on the basis of a prohibited ground. Indirect discrimination occurs where a policy, procedure or practice treats everyone equally on its face but has the effect of disadvantaging a person or group.

Importantly, not all discrimination is unlawful. Unlawful discrimination does not include any distinction, exclusion or preference in respect of a particular job based on the inherent requirements of the job.

Further information is available on the Australian Human Rights Commission web site, www.humanrights.gov.au.

REASONABLE MANAGEMENT ACTION

It is important to distinguish between a person reasonably exercising their legitimate authority at work and an instance of bullying and harassment. Under the *Fair Work Act 2009*, reasonable management action carried out in reasonable manner does **not** constitute bullying or harassment.

Examples of behaviours that are not workplace bullying or harassment include:

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- performance management processes;
- providing constructive and courteous feedback, counselling or advice about work-related behaviour and performance that is given in a manner that is neither humiliating or threatening;
- informing a worker about unsatisfactory work performance or unacceptable behaviour;
- maintaining reasonable workplace goals and standards;
- carrying out legitimate or reasonable management decisions or actions, undertaken in a reasonable way and with respect and courtesy, for example:
    - taking action to transfer an employee
    - allocating work to an employee, and setting reasonable goals, standards and deadlines
    - making a decision not to select an employee for promotion, placement, posting or overtime
    - warning employees about unsatisfactory performance
    - transferring or terminating excess employees;
- disciplinary action for misconduct; and
- respectfully expressing differences of opinion.

Some behaviours do not in themselves amount to a breach of the Code of Conduct and in context, are both legitimate and appropriate. For example:

- openly recording meetings – audio or video recording conversations is not common practice for private meetings. However, for internal meetings focused on performance or management issues, audio or video recordings of meetings may be taken but only with full knowledge and consent of each participant. Secretly recording meetings without the knowledge of all participants is not only highly inappropriate, but could also be unlawful in some circumstances;
- refusing to accept 'no' for an answer – within reason, an employee is entitled to press their position, just as a supervisor is entitled to take that position into account and make a management decision that disagrees with it;
- asserting authority - when opinions differ, it is legitimate for a manager to make the final decision and end a discussion, after listening to the various points of view, by asserting their management prerogative; and
- discussing difficult issues - while potentially stressful, a frank, polite, calm and rational discussion between an employee and a supervisor is an appropriate way of resolving grievances. It may also have the effect of clearing up any misunderstanding or inaccurate assumptions. Discussions should remain work related and focus on particular behaviours and issues, rather than on the individual.

Managers should be sensitive about how they are perceived by others and should know the best ways to communicate difficult or sensitive matters. In some situations, behaviour that Is not intended to be humiliating, threatening or demeaning may cause distress and be perceived as bullying. Being open to another person's perspective and genuinely listening to their concerns before coming to a conclusion may assist in defusing a potentially troublesome situation.

There may be instances where bullying, harassment or discrimination amounts to an offence under criminal law. For example, physical or indecent assault, stalking or sending obscene material through the mail or via email, Facebook or other electronic fora. Such cases may be referred to the relevant authorities by the Employee Conduct and Ethics Section (EES).

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SEXUAL HARASSMENT

A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment is unlawful regardless of the sex, sexual orientation or gender identity of the parties.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex. Some examples of behaviour that may be sexual harassment include:

- staring or leering;
- unnecessary familiarity, such as unwelcome affection or touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;
- displaying posters magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites;
- requests for sex or repeated unwanted requests to go out on dates; and
- behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

The department takes allegations of sexual harassment seriously and will take prompt action to address allegations and to support staff who report instances of sexual harassment. A-based officers, locally engaged staff and contractors who experience sexual harassment should report it as soon as possible to any of the following authorised internal options:

- their supervisor or manager;
- Head of Mission (HOM)/Head of Post (HOP) in cases of alleged misconduct at posts;
- Chief People Officer;
- The Secretary; and
- The Employee Conduct and Ethics Section (EES) via s 47E(d)@dfat.gov.au

An external mechanism for reporting sexual harassment in Australia is via the Sex Discrimination Commissioner at the Australian Human Rights Commission.

SEXUAL EXPLOITATION AND ABUSE

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

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Sexual abuse is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

DFAT does not tolerate sexual exploitation or abuse. Interim guidance is available on handling reports of incidents of sexual exploitation and abuse of vulnerable adults in DFAT-funded activities including in the Australian aid and humanitarian programs. This interim protocol outlines steps for handling voluntary reporting of sexual exploitation and abuse of vulnerable adults in DFAT-funded programs. Refer to the department's Aid Risk Management, Fraud Control and Safeguards policies on the intranet for additional information and guidance.

A vulnerable adult is an individual aged 18 years and above who is, or may be, unable to take care of themselves, or protect themselves against harm or exploitation by reason of illness, trauma or disability, or any other reason.

CHILD EXPLOITATION AND ABUSE

Broadly defined, child abuse (maltreatment) is the act or failure to act by a person that results in actual or potential harm to a minor (person under 18 years of age). It includes all forms of physical abuse, sexual abuse, emotional abuse or neglect and can occur in private or public spaces.

Child exploitation is the act of using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.

Child harm is a detrimental effect on a child's physical, psychological or emotional well-being. Harm may be caused by financial, physical or emotional abuse, neglect, and/or sexual abuse or exploitation, whether intended or unintended.

DFAT maintains a zero tolerance approach to child abuse, and exploitation. Chapter 10 of the Conduct and Ethics Manual sets out the department's expectations on all staff in relation to protection of children, drawing together the full suite of DFAT's child protection policies and guidelines including consular, passports and public diplomacy.

Any suspected or alleged instances of child abuse, exploitation or harm arising in connection to official duties or business must be reported to the Employee Conduct and Ethics Section via childwelfare@dfat.gov.au.

Individuals or organisations funded by DFAT, and who have contact with children, are required to undertake a risk assessment and implement appropriate child safe practices in their operations and activities. Refer to the Child Protection Section for additional information (email: childprotection@dfat.gov.au).

DFAT staff required to manage contracts with funded partners should comply with Aid Risk Management, Fraud Control and Safeguards policies on the department's intranet.

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REPORTING UNACCEPTABLE BEHAVIOUR

The department encourages all employees to speak out against bullying, harassment and discrimination where they experience or witness it and will ensure people feel safe and supported when doing so.

DFAT staff who experience unacceptable behaviour from external people when working at overseas posts are encouraged to raise the matter as soon as possible, both in the interests of their welfare and security.

Access to professional advice and assistance is available for all staff should they require it.

DFAT's funded partners and contractors are to report child welfare concerns and sexual exploitation and abuse matters to DFAT as soon as possible.

The reporting process is outlined below:

INTERNAL

Seek assistance and support from:
Supervisor/manager
SAO/Head of Mission/Head of Post
Employee Conduct and Ethics Section
Workplace Bullying and Harassment, Employee Health and Safety Section
Staff and Family Support Office
Diversity and Anti-Harassment Officers

Internal Reporting Options
Workplace Bullying & Harassment, Employee Health & Safety Section
s 47E(d) @dfat.gov.au
+61 2 6261 s 47E(d)
DFAT Employee Conduct and Ethics Section
s 47E(d) @dfat.gov.au
+61 2 6261 s 47E(d)

External Options
Bullying
Fair Work Commission
www.fwc.gov.au/
1300 799 675

Harassment and Discrimination
Australian Human Rights Commission
www.humanrights.gov.au
1300 656 419

EXTERNAL

Report unacceptable behaviour to:
Department of Foreign Affairs and Trade
+61 2 6261 3380
www.dfat.gov.au / **contact us**

Child Exploitation and Abuse
+61 2 6261 s 47E(d)
childwelfare@dfat.gov.au

Sexual Exploitation, Abuse, and Harassment
+ 61 2 6261 3380
s 47E(d) @dfat.gov.au

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RESOLUTION OPTIONS

Incidents and concerns about unacceptable behaviour should be resolved at the lowest appropriate level. DFAT has at its disposal both informal and formal resolution processes to address instances of unacceptable behaviour. In addition, external options to resolve complaints exist in some cases.

Informal resolution (This is when matters are resolved through management or some other action, other than a formal or investigation process).

Efforts should be made to resolve any bullying, harassment or discrimination issues informally in the first instance and, where practicable, prior to lodging a complaint. However, where informal resolution has not been possible or is not appropriate (e.g. due to the seriousness of the issues), alternate resolutions options may be pursued.

The aim of an informal process is to resolve the issue with as little conflict or distress as possible for everyone involved. The benefits of resolving workplace bullying and harassment issues informally are:

- the process is generally quick, less adversarial and cumbersome;
- the process may result in improved communication between those involved; and
- it is easier to maintain confidentiality and establish good working relationships by clarifying what is acceptable behaviour and what is not.

An informal process might include or comprise any of the following:

- conversation with all parties (supervisors, managers, SAOs, Head of Missions (HOMs), Head of Posts (HOPs) or the Anti-bullying, Harassment and Discrimination Officer might have a discussion with those involved to assist in resolving any issues);
- mediation with all parties (if required, the Anti-bullying, Harassment and Discrimination officer can assist in arranging this with a qualified mediator);
- facilitated meeting with all parties (supervisors, managers, HOMs or HOPs might arrange a meeting with those involved and/or could request facilitation by SAO, the Anti-bullying, Harassment and Discrimination officer or another supervisor or manager); and
- supervisors, managers, HOMs or HOPS might initiate an informal discussion or feedback on individual performance.

An informal process should be managed within a reasonable timeframe and agreement reached that the issue is resolved.

The department can initiate an informal inquiry to gather information about bullying claims and whether they should proceed to a formal process.

Note: Even for an informal process, records may be kept of the issue and how it was resolved for future reference.

Self-resolution: Any person who believes they are being treated unacceptably may choose to speak directly with the person(s) demonstrating the unacceptable behaviour. Discuss the matter with the person/s demonstrating the unacceptable behaviour, explaining how their actions are being perceived and the effect

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they are having, and ask them to stop. The information should be delivered in a confidential, non-confrontational way, with a view to resolving the issue.

Supported self-resolution: Barriers may exist which interferes with a person's ability to communicate with the person demonstrating unacceptable behaviour.

If you feel you are not able to approach the person/s directly about the unacceptable behaviour, you could:

- discuss the issue with your supervisor, manager, SAO, HOM or HOP and seek their support in resolving the issue;
-
- seek assistance from a Diversity and Anti-Harassment Officer (DAHO); or
- seek assistance from the Employee Health and Safety Section (EHS) s 47E(d) @dfat.gov.au.

Further tools and guidance can be accessed via the Anti-bullying, Harassment and Discrimination page on the intranet.

If you are being bullied, harassed or discriminated against, in the course of your duties, by a person who is not a DFAT employee, you are encouraged to raise the matter and seek assistance to resolve the issue.

DFAT Formal Process

Formal mechanisms may be used if the informal process does not address an employee's concerns, or where an employee is not comfortable about raising the issues informally or where a matter is considered too serious to be dealt with informally.

Suspected breaches of the Code of Conduct should be reported to the Employee Conduct and Ethics Section (EES)s 47E(d) @dfat.gov.au.

Any person wishing to make a formal complaint should lodge their complaint in writing (where possible) and in accordance with Chapter 11 of the Conduct and Ethics Manual. Suspected breaches of the Code of Conduct should be reported to the Employee Conduct and Ethics Section (EES).

All complaints will be assessed and a decision made on how to most appropriately address the issues. In some cases a decision will be made for management resolution to be enacted, such as a written warning, lawful direction or some other course.

If a formal complaint proceeds to an investigation, an investigation officer will be appointed to make prompt, fair and impartial enquiries. A detailed outline of the department's processes for formal Code of Conduct inquiries is available at Chapter 12 of the Conduct and Ethic's Manual. The manual details how the department manages alleged misconduct by APS employees, LES employees, contractors and those on probation or secondment from other APS agencies.

Employees will be required to engage in relevant processes to ensure resolution of issues within a reasonable timeframe.

Natural justice and procedural fairness is to be applied at all times.

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What if the bullying is not substantiated?

During the formal resolution process, if the investigation finds bullying has not occurred or cannot be substantiated, the department may still take appropriate action to address any workplace issues leading to the complaint.

What happens if the complaint is found to be vexatious or fraudulent?

During the formal resolution process, if the investigation finds that bullying has not occurred and the complaint is vexatious or fraudulent, the complaint may itself be considered a breach of the Code of Conduct. Vexatious complaints are those made without sufficient grounds, but made especially so as to cause annoyance or disruption or to distract from reasonable management action. Any such conduct will be dealt with in accordance with Chapter 12 of the Conduct and Ethics Manual.

What if an issue occurs at a small or micro post?

At small posts it may be difficult to approach a colleague or manager if someone feels confidentiality may be compromised. In these instances, staff have the option to contact the department's Anti-Bullying, Harassment and Discrimination Officer for support and advice.

External Resolution Options

Merit Protection Commissioner

If an APS employee is not satisfied with action the department has taken that relates to their APS employment, they may be able to seek a review by the Merit Protection Commissioner in certain circumstances.

Under section 33 of the *Public Service Act 1999*, an APS employee may apply directly to the Merit Protection Commissioner for a primary review of a reviewable action if, among other things, it is not appropriate due to the seriousness or sensitivity of the action for the review to be handled within the department.

Fair Work Commission

In the case of bullying, a worker (including APS employees and contractors) can make an application to the Fair Work Commission for an Order to Stop Bullying. For an application to be granted, the person must demonstrate that the alleged bullying is **repeated**, **unreasonable** and creates **a risk to health and safety**.

The Fair Work Commission will only be able to make an order to stop bullying at work where there is a risk that bullying will continue.

Human Rights Commission

For harassment (including sexual harassment) and discrimination matters that occur in Australia, employees may lodge a complaint with the Australian Human Rights Commission.

Extreme cases of harassment may constitute a criminal offence and warrant police investigation.

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Options for DFAT locally engaged staff at Post

DFAT encourages locally engaged staff and supervisors, managers, SAOs, HOMs and HOPs at posts to explore informal dispute resolution procedures, including mediation, which are appropriate to their local culture, law and workplace environment.

In the event that a workplace bullying, harassment or discrimination matter is not resolved informally to the satisfaction of those involved, it should be raised by the locally engaged staff with the HOM or HOP. The SAO at post is also available to assist. When necessary, any formal resolution process should be undertaken in accordance with Section 12 of the Conduct and Ethics Manual.

Where an employee becomes aware of serious criminal misconduct at post by another Australian who is not an APS employee, the employee should report the matter to the Head of Mission or Head of Post, who will consider the most appropriate course of action, which may include reporting the matter to the local law enforcement authorities or the Australian Federal Police.

What if you are being accused of workplace bullying, harassment or discrimination?

You have the same options as the person making the complaint. Try to resolve the matter informally in the first instance.

If you become the subject of a formal process, you have the right to a fair and impartial hearing by the department's investigating officer. You will be informed of the substance of the allegations made against you and will be given the opportunity to respond. A detailed outline of the department's processes for formal Code of Conduct inquiries is available at Chapter 12 of the Conduct and Ethics Manual.

A vexatious complaint of bullying may itself constitute bullying behaviour.

SUPPORT

Anti-bullying, Harassment and Discrimination

Email s 47E(d) @dfat.gov.au for advice and assistance in the early intervention and resolution of issues.

Diversity and Anti-Harassment Officers (DAHOs)

DAHOs are available across the department to provide support and information to staff. A full list of DAHOs can be accessed via the intranet. DAHOs take on this role voluntarily and can be a first point of contact for staff seeking options for resolving issues. The DAHOs also support the department's Diversity program and promote inclusiveness.

Staff and Family Support Office (SFO)

The Staff and Family Support Office (SFO) provides DFAT and its staff with a range of support services designed to promote personal well-being and workplace effectiveness. These services include personal counselling. For Canberra based staff, consultations can be arranged by contacting the SFO Program Manager on s 47E(d) or by contacting an SFO psychologist or social worker directly.

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For staff and families overseas, and DFAT-funded locally engaged staff, it is recommended that initial contact is made via email to s 47E(d) @dfat.gov.au.

Psychologists and social workers have strict ethical guidelines and legal responsibilities in relation to client privacy and confidentiality, these will be discussed during the first appointment.

Employee Assistance Program (EAP)

As an alternative to the SFO services, face-to-face counselling for DFAT A-based staff, their immediate families and DFAT-funded locally engaged staff (LES) is available at a number of overseas posts using an external counselling provider (the EAP). This service is also available to staff (and their immediate family) working in Australian locations. A 24/7 EAP telephone counselling service is also available at all posts, as well as within Australia. The current EAP service provider is Lifeworks. Appointments can be made as follows:

- Within Australia: s 47E(d) this is also the 24/7 Australian phone number).
- From overseas: s 47E(d)
- The SFO can also assist with setting up an appointment – s 47E(d) @dfat.gov.au

Support for non DFAT-funded locally engaged staff with attached agencies at post

Non DFAT-funded LES are advised to either contact the human resource (HR) area of their home agency, or the post's SAO for advice regarding the support provided by the attached agency's EAP.

PRIVACY AND RECORDKEEPING

All complaints will be handled confidentially, which means a complaint will only be discussed with those legitimately and directly involved.

Accurate records of complaints and any action taken are vital, as any decisions might lead to or inform further processes or misconduct action.

All records are to be stored securely and in a confidential manner and retained in accordance with the *Privacy Act 1988* and the National Archives of Australia Administrative Functions Disposal Authority.

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GLOSSARY

Bullying	Bullying occurs when a person or group of people behaves unreasonably and repeatedly towards a worker or group of workers while at work, and the behaviour creates a risk to health and safety. Bullying does not include reasonable management action carried out in a reasonable manner.
Child exploitation and abuse	Child abuse (maltreatment) is the act or failure to act by a person that results in actual or potential harm to a minor (person under 18 years of age). It includes all forms of physical abuse, sexual abuse, emotional abuse or neglect and can occur in private or public spaces. Child exploitation is the act of using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.
Contractor	A person engaged by DFAT for a specific purpose to provide goods or services.
Discrimination	The *Australian Human Rights Commission Act 1986* defines discrimination as any distinction, exclusion or preference made on the basis of age, race, including colour, national or ethnic origin or immigrant status, sex, pregnancy, religion, political opinion, family responsibilities or breastfeeding that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Discrimination can also occur in distinguishing or preferencing people on the grounds of disability, sexual orientation, relationship status, intersex status, gender identity and/or expression.
DFAT employee	A person engaged as an employee under section 22 of the Public Service Act 1999 as either an ongoing or non-ongoing employee, or a person engaged under a contract of employment by the Commonwealth outside of Australia.
Funded partner	Any organisation funded by DFAT for the delivery of Australian activities and programs overseas.
Harassment	Harassment is unwanted and offensive, humiliating or intimidating conduct or behaviour by a person or persons directed towards another person. If based on an attribute such as a person's age, gender, race, religion, disability, sexual orientation, gender identity and/or expression to could also be discrimination. Some forms of harassment if repeated may also be bullying. Harassment does not include reasonable management action carried out in a reasonable manner.
Reasonable management action	Reasonable management action is action undertaken in a reasonable manner. Performance management processes and providing constructive and courteous feedback are examples of reasonable management action.
Sexual exploitation and abuse	Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
Sexual harassment	Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. Sexual harassment is unlawful regardless of the sex, sexual orientation or gender identity of the parties.
Vulnerable people	A vulnerable adult is an individual aged 18 years and above who is, or may be, unable to take care of themselves, or protect themselves against harm or exploitation by reason of illness, trauma or disability, or any other reason.

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REFERENCES

Legislation

Public Service Act 1999

Fair Work Act 2009

Work Health and Safety Act 2011

Australian Human Rights Commission Act 1986

Age Discrimination Act 2004

Disability Discrimination Act 2004

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Australian Public Service Commission References

APS Values and Code of Conduct in Practice

DFAT References

Conduct and Ethics Manual

Child Protection Policy

Preventing Sexual Exploitation and Abuse Policy

Workplace Diversity Program

DFAT Values

WIL

IMD WIL

Other

Fair Work Commission

Australian Human Rights Commission

Merit Protection Commission

Safe Work Australia

Heads Up

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DFAT Code of Conduct for Overseas Service

Introduction

1.1 Employees of the Department of Foreign Affairs and Trade ('the Department') travelling overseas on official business, including those on long-term postings, are required to provide an undertaking that they will comply with the Code of Conduct for Overseas Service ('the Code'), which is underpinned by the Australian Public Service (APS) Code of Conduct. The Code provides guidance to Employees on their obligations under Section 13(12) of the *Public Service Act 1999*, which states that: 'An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia'.

1.2 All APS employees, because they serve the Government and the community at large, assume a position of trust together with ethical obligations. Australians have a right to expect from their representatives overseas a wholehearted and scrupulous commitment to the highest standards of behaviour. APS employees overseas are required to comply with the applicable laws of Australia and with all applicable regulations, directions and guidelines relating to their official and personal conduct.

1.3 The Code provides guidelines for Employees' behaviour overseas, both personal and professional. In conducting themselves overseas, Employees are expected to use their good judgment and common sense. If any Employee is in any doubt about aspects of the Code or unsure about how to proceed, they are encouraged to seek guidance from senior colleagues or from the Conduct and Ethics Unit (CEU). Staff may also wish to consult the Australian Public Service Commission's 2003 publication, *APS Values and Code of Conduct in Practice: A guide to official conduct for APS employees and agency heads*, which is available on the Commission's website.

1.4 In the Code the term 'Employee' means an APS employee under the *Public Service Act 1999*. The Code applies to Employees on long-term postings, including Heads of Mission, those who are overseas on short-term missions and visits and those on leave without pay. It applies to Employees who are temporarily attached to non-APS bodies such as international organisations, foreign government agencies, non-government organisations and private-sector corporations.

1.5 The Code does not apply to honorary consuls and their staff, or to locally-engaged staff (LES) at Australian diplomatic or consular missions. Honorary consuls and their staff are expected to observe the provisions in the *Guidelines for Australian Honorary Consuls* contained in the Consular Handbook. Separate guidelines on

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conduct for locally-engaged staff are issued under the authority of the Head of Mission in each location.

1.6 Breaches of the Code are regarded as a breach of Section 13(12) of the *Public Service Act 1999* and will be handled in accordance with departmental procedures for handling breaches of the APS Code of Conduct. All management actions taken to address conduct issues in accordance with the Code will be subject to the normal requirements of procedural fairness.

Upholding Australia's Reputation

2.1 APS employees working overseas are seen as representatives of Australia, not only in the performance of their official functions but also in the manner in which they conduct themselves as private individuals. Regardless of their formal roles or responsibilities, their visibility and status as foreign officials means that their actions will be subject to a greater degree of scrutiny and public interest than they would be at home, and that an adverse perception of those actions may have an impact on Australia's reputation. Furthermore, Australian officials abroad may face dilemmas in the area of conduct and ethics which do not arise in Australia, in a range of social, cultural, financial or personal settings.

2.2 Employees who are on duty overseas have a duty to act at all times in a manner which upholds the good reputation of Australia, and which contributes to the good reputation of the Department and any Australian mission with which they are associated. The duty to uphold the good reputation of Australia is fundamental, and underlies the approach to particular principles of conduct overseas elaborated under the sub-headings below. Members of an Employee's household are also expected to uphold Australia's reputation overseas.

Respect for the Law

3.1 In accordance with the ViennaConventions on diplomatic and consular relations, an Employee overseas must respect the law of the country to which he or she is posted, or in which he or she is travelling. An Employee mustcomply with any lawful and reasonable directions, and take into account any guidance issued by the Department and the Head of Mission, concerning the operation of local laws and regulations. Such directions and guidance will be of special relevance where there is a major difference between the requirements of local law and the law applying in Australia. Employees must give particular attention to laws and directions concerning bank accounts, currency dealings, purchase and disposal of motor vehicles and traffic infringements. Employees should also make arrangements to clear all outstanding locally incurred financial debts prior to completing their posting.

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3.2 An Employee overseas must inform the Head of Mission as soon as practicable if the Employee, or a member of his or her household, comes to the notice of the local law enforcement authorities, except in matters of minor traffic infringements. Where the Employee is not attached to an Australian mission, he or she must also inform the Department. Where there appears to be a breach of local law, excluding minor traffic infringements, the Head of Mission should inform the Department immediately. These requirements will apply in all cases, including where the Employee may, but for diplomatic or consular status, have been charged with an offence.

3.3 Amendments to the *Crimes (Overseas) Act 1964* extend the scope of the Act to apply extraterritorially to Australian diplomatic and consular employees (and their family members) serving overseas who have immunity from prosecution under local law. As a result, an Employee (or family member) who has committed a crime overseas could, in certain circumstances, be prosecuted in Australia rather than under local law. An Australian prosecution could only be commenced where: a similar crime exists in Australia; the person's immunity from local jurisdiction has not been waived by the Minister for Foreign Affairs; and the Attorney-General (following consultation with the Minister for Foreign Affairs) has provided consent. The legislation also contains safeguards to ensure that individuals do not face prosecution for the same crime both overseas and in Australia. The amendments came into effect on 1 July 2003.

Cultural Sensitivity

4.1 Employees living and working overseas need to be culturally sensitive to the people of the host country and to be understanding of local customs, including those relating to personal behaviour.

4.2 An Employee overseas must respect laws and customs which are protective of local cultural property. An Employee must not purchase or export, or make arrangements in respect of the purchase or export of, any item of cultural property other than in accordance with local regulations, and with the knowledge and consent of the host authorities where this is required. The term 'cultural property' includes any antiquity, artefact, document, work of art or other chattel which is of national, historical, scientific, literary or artistic importance, and also includes any property the sale or export of which is, or may be, subject to local regulation.

4.3 The APS and Australia have a reputation for integrity which must not be undercut by any perception that an Employee might be influenced by bribes, gifts or other benefits. Subject to paragraph 4.4, an Employee overseas and members of his or her household must not accept gifts, benefits or hospitality or advantages that are offered in connection with the Employee's duties, status, power or authority.

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4.4 Where refusal of a gift is likely to give offence to an extent that could adversely affect Australia's interests, the Employee may accept the gift, but must promptly report it in accordance with Departmental procedures and advise the Head of Mission. The gift is regarded as the property of the Commonwealth until the Secretary's delegate determines its disposal. Gifts retained for any reason must be recorded in a register maintained for the purpose at the mission. Employees may retain gifts that exceed the value limits set for gifts from government or private sources subject to payment to the Department of the difference between the allowable limit and the wholesale value of the gift plus GST. An item classified as having little or no commercial value may be retained without the approval of the delegate, but the Employee must ensure that it falls within that classification as determined by the delegate. Money must never be accepted as a gift.

Appropriate Personal Behaviour

5.1 An Employee must not engage in behaviour at any time which is likely to affect adversely an Employee's ability to perform his or her duties, or the ability of his or her mission to achieve its objectives, or which is likely to bring the mission or Australia into disrepute. In particular, Employees should be aware that sexual behaviour and use of alcohol and other substances are areas of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted, and where particular attention to appropriate personal behaviour in the local context is therefore require. Where an Employee, including a Head of Mission, is in any doubt as to the applicability of this principle, he or she should seek advice from a supervisor and, if necessary, the CEU.

5.2 Where an Employee is engaged in any personal relationship which might have any of the adverse effects set out in Para 5.1, he or she must inform the Head of Mission. Heads of Mission must treat any information they receive in relation to such matters in accordance with the *Privacy Act 1988*, including, where appropriate, disclosure of information to FAS CMD.

5.3 An Employee must comply with the age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greater age.

5.4 An Employee must not use, or be required to use, mission office facilities, staff or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to the mission.

5.5 An Employee's personal conduct towards his or her domestic staff and locally-engaged staff must not be exploitative or be such as to lead reasonably to a perception of exploitation. This provision also applies to members of an Employee's

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household. If a sexual relationship occurs, the Employee must inform the Head of Mission or, in the case of a Head of Mission, the FAS CMD.

Household Members

6.1 An Employee must notify the Head of Mission or, in the case of a Head of Mission, the FAS CMD, if he or she is planning to change the composition of his or her household. (A household includes the Employee's family and other dependants as defined in Volume Two of the Human Resources Manual). This does not replace the Employee's obligation, in conformity with the Security Instructions, to inform Diplomatic Security Branch of any change to their circumstances which may affect them or their security clearance.

6.2 Accompanying household members are not covered directly by the Code or subject to any obligations under the *Public Service Act 1999* or Departmental directions in relation to conduct. It is nonetheless the case that because of their visibility and identifiability as part of an Australian official community, the actions of household members can have an impact on the reputation of Australia or of an Australian mission, and on the ability of Employees to perform their duties.

6.3 An Employee overseas must take all reasonable steps to ensure that members of his or her household are aware of local laws, culture and customs. In the event of behaviour by a household member which would breach paragraph 5.1 if committed by the Employee, the Employee must take all reasonable steps to ensure that the behaviour ceases. If the behaviour persists, the Employee must consult the Head of Mission. In cases involving members of the Head of Mission's household, Heads of Mission should consult with the FAS CMD. Incidents of such behaviour may, for operational reasons, require recall to Australia and possibly termination of the Employee's posting. In such an event, no blame will attach to the Employee by reason only of the behaviour of the member of his or her household.

Respect for Others and Tolerance of their Opinions

7.1 As in Australia, Employees overseas have a duty to contribute to the effective functioning of the workplace by treating their colleagues and the public with respect. Even more than in Australia, this will require particular attention to the possibly very different cultural backgrounds, beliefs and opinions of the people encountered in the workplace and outside it. This principle is central to good relations with locally-engaged staff and domestic staff, and is important to effective performance in all overseas environments.

7.2 Employees overseas must respect the cultural background of colleagues in the workplace (including locally-engaged staff), clients and domestic staff; not

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discriminate against, or harass such persons or any other person because of their sex, marital status, ethnicity, age, sexual orientation, disability or religious beliefs, or upon any similar ground; and respect the privacy of individuals when dealing with personal information.

Integrity in the Use of Diplomatic and Consular Status and Privileges

8.1 Diplomatic or consular status and privileges are conferred on an Employee overseas to facilitate the operation of the diplomaticor consular mission with which he or she is associated, and not for the personal benefit of the Employee or members ofthe Employee's household. An Employee must act with integrity in relation to any privilege he or she may have (such as exemption under international law from the payment of taxes or duties) as a diplomatic or consular representative. Goods obtained without the payment of duty under privilege are for personal use only, and must not be sold or used as payment of any kind to persons who do not have the relevant privilege. An Employee must not be required to use diplomatic privileges in a manner that would undermine the integrity of those privileges.

8.2 Employees overseas must not seek either to invoke or to waive diplomatic or consular immunity, which is a matter for decision by the Minister for Foreign Affairs. Employees should be aware that consular immunity can exist only in respect of consular acts.

8.3 It is important to note that Employees and members of their households have no immunity in relation to any professional or commercial activity in which they may engage outside of their official functions. Where a member of his or her household is planning to engage in any private gainful occupation, an Employee must consult the Head of Mission, who may decide that the Department and/or the host government be consulted. Where a member of the Head of Mission's household is planning to engage in any private gainful occupation, the Head of Mission should consult with the FAS CMD.

8.4 An Employee must take all reasonable steps to ensure that any activities by a member of his or her household who is carrying on a private gainful occupation do not give rise to a conflict or the perception of a conflict between the official duty of the Employee and the private interest of either the person or a member of his or her household. For example, they must not use the mission's address as that of their place of business. In cases where the mission address is the sole address, household members should use a private PO Box for carrying on a private business.

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Authority of the Head of Mission

9.1 An Employee overseas must comply with any lawful and reasonable directions issued by the Head of Mission and must consult the Head of Mission about any personal or professional issue that gives rise to concerns relating to the operation of the mission in accordance with paragraph 5.1 above. In the event of a difference between an Employee and the Head of Mission over the lawfulness or reasonableness of a direction, either may refer the matter to the FAS CMD for decision. Pending the Department's decision, the Employee is expected to comply with the written directions of the Head of Mission.

9.2 An employee of an agency different to that employing the Head of Mission is subject to the overall management and control of his or her agency while overseas, but is subject to the direction of the Head of Mission on any matters within that employee's area of responsibility that could affect Australia's bilateral relations with the host government, the administration of the mission or the good reputation of the mission or Australia in the host country.

9.3 In the event of any difference between a Head of Mission and any such employee concerning the extent of the Head of Mission's authority, either may request their employing agency to take up the matter with the employing agency of the other. Pending the resolution of any such differences by those agencies, the employee is expected to comply with the written directions of the Head of Mission.

Implementation

10.1 An undertaking indicating knowledge of and willingness to comply with the Code is a condition of approval for travel overseas, whether on short or long-term assignment, for all Employees.

10.2 Employees have an obligation to report apparent or alleged breaches of the Code to the Head of Mission and, where appropriate, to the FAS CMD or, if they prefer, directly to the CEU. Employees who make or investigate reports will be protected from disciplinary action or harassment in accordance with Section 16 of the *Public Service Act 1999*. Employees should also consult relevant departmental instructions on reporting breaches.

10.3 Where an Employee becomes aware of serious criminal misconduct, by another Australian who is not an APS employee, the Employee should report the matter to the Head of Mission, who will, in turn, consider the most appropriate course of action, including reporting the matter to local law enforcement authorities or the Australian Federal Police. Employees should be aware of potential conflict of interest where the person involved may subsequently become a consular client. Chapter 12

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of the Consular Handbook on managing child sex complaints provides useful guidance in this respect.

10.4 Any failure to comply with the Code will be handled in accordance with departmental procedures for handling breaches of the APS Code of Conduct. In serious cases, an Employee may, for operational reasons, be recalled to Australia pending the outcome of an investigation. This would not be disciplinary action. Where an allegation relates to a Head of Mission, a report must be made to the FAS CMD.

10.5 The making of an allegation which is found to be without substance and which is knowingly false, vexatious or malicious, may be treated as a breach of the APS Code of Conduct.

10.6 In accordance with longstanding practice, the Department will pass to the Australian Federal Police any information which it can reasonably be suspected relates to an offence under applicable Australian law.

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WORK HEALTH AND SAFETY MANAGEMENT SYSTEM PROCEDURE – WHS RISK MANAGEMENT

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INTRODUCTION

1. The Work Health and Safety (WHS) Risk Management Procedure aligns with the broader risk management principles as set out in the Department of Foreign Affairs and Trade (the Department) Risk Management Guide (2020) (the Guide). The Guide sets out the overarching principles that guide the Department's approach to risk management. Further guidance on the department's systems of risk oversight, management and internal controls for these obligations are outlined in chapter two of the Guide

2. The Guide provides the strategic direction on risk management, and requires risk policy areas to:

   a. Develop and communicate the additional policy, processes and tools to support the management of risk specific to their policy area
   b. Support Divisions, Posts, and State and Territory Offices (STO) to assess, treat and monitor their exposure to risks covered by the policy area
   c. Design, implement and monitor training programs and other capability improvement activities for their policy area
   d. Ensure external and regulatory reporting and assurance on risk specific to their policy area is undertaken.

PURPOSE

3. To ensure the department is compliant with its legislated duties under the WHS Act 2011 (the WHS Act) and the WHS Regulations 2011 (the WHS Regulations). The WHS Risk Management Procedure is designed to support improved WHS outcomes by:

   a. Ensuring risks are identified and eliminated or minimised So Far As is Reasonably Practicable (SFARP)
   b. Encouraging proactive management practices based on positive risk management
   c. Promoting stakeholder trust and confidence
   d. Ensuring informed decision making.

SCOPE

4. This procedure is to be applied:

   a. Before the introduction of any plant, equipment or substance
   b. Before the introduction of a work practice or work instruction
   c. When a new piece of plant or equipment is to be used
   d. For all organisational functions or undertakings performed by the Department
   e. For any change that may have an impact on health and safety.

5. Managing WHS risks is an ongoing process that needs attention over time, but particularly when any changes affect your work activities. Some examples of when this should occur include:

   a. Establishing a new Mission or Post

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b. Making changes to a Mission or Post, includes construction or significant maintenance work
c. Changing work practices, procedures or the work environment
d. Changing organisational structure or job roles
e. Introducing new workers or returning workers to the workplace
f. Purchasing new or used equipment or using new chemicals/substances
g. New information about workplace risks becomes available
h. Responding to workplace incidents (even if they have caused no injury)
i. Responding to concerns raised by workers, health and safety representatives or others at the workplace
j. Required by the WHS Regulations for specific hazards.

6. The extent of the scope regarding contractors is determined in part by the contract, the degree of control each Person in Control of a Business or Undertaking (PCBU) exercises over the work being undertaken, and the implementation of the respective contract governing the product or service.

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RESPONSIBILITIES FOR IMPLEMENTATION

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

7. The Department constitutes a Person Conducting Business or Undertaking (PCBU) under the WHS Act and must protect the health and safety of its workers and other persons.

OFFICERS OF THE DEPARTMENT

8. Officers (as identified in the *Officer Due Diligence Manual*) of the PCBU must:

a. Take reasonable steps to gain an understanding of the hazards and risks associated with the activities of the Department
b. Ensure that appropriate resources and processes are available to eliminate or minimise risks to health and safety
c. Verify provided resources were utilised
d. Communicate significant WHS risks to the Secretary.

MANAGERS AND SUPERVISORS

9. Senior executives, and all managers and supervisors will assist officers in fulling their responsibilities by:

a. Understanding and complying with this procedure
b. Ensuring, so far as is reasonably practicable, that workers are not put at risk from the work carried out by the Department
c. Implementing WHS risk management systems for all identified hazards
d. Consulting with workers and their health and safety representative (HSR) in a collaborative way to ensure they are involved in hazard identification and implementation of risk controls
e. Ensuring sufficient information is communicated to workers about the hazards, risks and risk controls relevant to the workplace, activity or undertaking
f. Ensuring Officers of the Department and senior leaders are made aware of issues or concerns on health and safety, especially where managers/supervisors or their workers identify hazards or flaws in any operational procedures.

WORKERS

10. All workers are responsible for:

a. Complying with this procedure
b. Contributing to the establishment and implementation of risk management systems as directed by the worker's supervisor (or higher management),
c. Utilising risk controls as documented in the relevant risk assessment

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d. When directed to do so, participate in hazard identification in the workplace and controlling risks arising from those hazards by:
   i. informing their line management of any actual or potential control failures or improvements,
   ii. informing supervisors of any perceived risk that could increase exposure to injury or illness,
   iii. taking reasonable care for their own health and safety and their fellow workers and
   iv. reporting all work health and safety incidents and hazards.

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RISK MANAGEMENT PROCESS

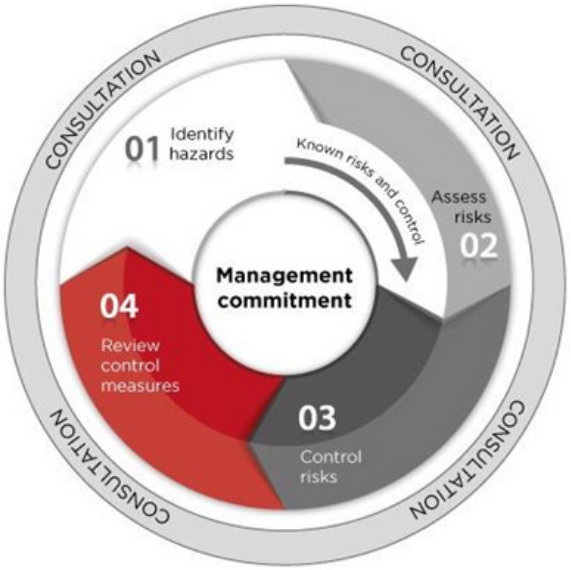
11. Risk management is a structured process whereby stakeholders undertake, in sequence, steps that serve to identify and manage work health and safety hazards associated with work. Risk management is an interactive process of continuous improvement that should be embedded into the organisation's philosophy, practices and processes rather than viewed as a separate activity.

12. Each stage of the risk management process needs to be documented to inform the corporate memory and provide an understanding of the rationale behind decisions. The desired outcomes of the application of risk management are:

a. The identification and management of hazards before they result in incidents
b. Capitalisation upon lessons learned from previous incidents
c. The efficient resolution of identified hazards through greater awareness, accountability and effective management.

13. The WHS Risk Assessment Process (Figure one) from the WHS (How to Manage WHS Risks) Code of Practice 2015 aligns with the Guides risk management process:

a. Identify hazards—find out what could cause harm,
b. Assess risks, if necessary—understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening. This step may not be necessary if you are dealing with a known risk with known controls,
c. Control risks – implement the most effective control measure that is reasonably practicable in the circumstances and ensure it remains effective over time, and
d. Review hazards and control measures to ensure they are working as planned.



14. The risk assessment must be recorded on the WHS Risk Register and forwarded to the Employee Health and Safety Section (EHS). EHS will upload the provided risk register to the WHS risk dashboard.

Figure one: The WHS Risk Management Process

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SO FAR AS IS REASONABLY PRACTICABLE PRINCIPLE

15. Implementation of the So Far As Is Reasonably Practicable (SFARP) principle is a requirement of work health and safety legislation. The process requires that all relevant matters are considered and evaluated when determining what is reasonably practicable in the operating environment. The relevant matters include:

a. The likelihood of the hazard or the risk concerned occurring
b. The degree of harm that might result from the hazard or the risk
c. What the person concerned knows, or ought reasonably to know, about the hazard or risk, and about the ways of eliminating or minimising the risk
d. After assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

16. To effectively implement the SFARP principle the person must first consider *what can be done* to provide a healthy and safe workplace. Then they must consider whether it is *reasonable in the circumstances* to do all that is possible. For additional information refer to the Safe Work Australia guidance on How to determine what is reasonably practicable to meet a health and safety duty.

IDENTIFY THE HAZARDS

17. It is important that the process used to identify hazards is rigorous and meticulous. A well-structured process involving systematic identification is vital, as hazards that are not identified in this stage may not be considered in later stages. Lack of application during this phase will carry a legacy into the remaining stages of risk management processes.

18. Hazard identification is the first step in reducing the potential of an incident occurring. Hazard identification is the systematic approach of identifying all items, activities and situations, products and services that could cause injury or illness by using a 'what if?' approach. The 'what if?' approach generally involves the consideration of:

a. The way work is organised and managed
b. The situations or abnormal events, or combination of circumstances, that could give rise to injury or illness
c. The type of injury or illness that could occur as a result of performing the work.

19. Hazard identification can be accomplished through many means both informal and formal. It may come from internal and external sources:

a. Internal sources include:
    i. records of previous injuries and illnesses
    ii. internal inspection and audit reports
    iii. workers' compensation records and reports
    iv. existing safety procedures and associated implementation programs
    v. outcomes from emergency or evacuation exercises
    vi. consultation with workers, including surveys or minutes from health and safety committee meetings.
b. External sources include:

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i. equipment and machinery operating manuals
ii. chemical Safety Data Sheets
iii. external audits and review/reports from consultants
iv. Government recalls, newspapers, and safety alerts
v. Other regulatory inspections, fire or building compliance

20. Hazards can be broadly grouped into five main categories:

a. **Physical** — examples include: floors, stairs, ladders, work platforms, plant and equipment, vibration, electricity, noise, temperature, lighting and radiation.
b. **Chemical** — examples include: fumes, dust, vapours, gases, hazardous chemicals and dangerous goods.
c. **Biomechanical** — examples include: tasks that involve muscles such as lifting, pushing, pulling, holding, restraining, repetitive movements and ergonomic factors.
d. **Biological** — examples include: bacteria, viruses, mould, mildew, pollen, insects, vermin and animals.
e. **Psychosocial** — examples include: excessive and inadequate workloads, bullying, harassment, organisational change, fatigue shift work, and inappropriate assignments.

21. Hazards can arise in the workplace from many areas. These can include those areas listed in **Error! Reference source not found.**.

Hazard	Example	Potential harm
Manual tasks	Tasks involving sustained or awkward postures, high or sudden force, repetitive movements or vibration	Musculoskeletal disorders such as damage to joints, ligaments and muscles
Gravity	Falling objects, falls, slips and trips of people	Fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death
Psychosocial	Excessive time pressure, bullying, violence and work-related fatigue	Psychological or physical injury or illness
Electricity	Exposure to live electrical wires	Shock, burns, damage to organs and nerves leading to permanent injuries or death
Machinery and equipment	Being hit by moving vehicles, or being caught in moving parts of machinery	Fractures, bruises, lacerations, dislocations, permanent injuries or death
Hazardous chemicals	Acids, hydrocarbons, heavy metals, asbestos and silica	Respiratory illnesses, cancers or dermatitis
Extreme temperatures	Heat and cold	Heat can cause burns and heat stroke or injuries due to fatigue. Cold can cause hypothermia or frost bite
Noise	Exposure to loud noise	Permanent hearing damage
Radiation	Ultra violet, welding arc flashes, micro waves and lasers	Burns, cancer or blindness
Biological	Micro-organisms	Hepatitis, legionnaires' disease

Table one: Examples of common hazards

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ASSESSING RISKS

22. Assessing risks is about developing an understanding the nature of harm, the severity of potential harm and the likelihood of a hazardous situation occurring.

23. WHS risks should be assessed by using the approved WHS risk matrix (Table 2) which is aligned to the Department's risk assessment matrix. The purpose of the WHS risk matrix is to:

a. Record qualitative information about consequences and likelihood so informed decisions are undertaken
b. Better understand the risk and its causes so that treatment plans can be put in place
c. Demonstrate an accurate risk profile
d. Allow for the identification and prioritisation of WHS risks.

		CONSEQUENCES				
		Limited Limited injury requiring first aid	**Minor** Minor injury/illness requiring medical care	**Moderate** Serious injury/illness or multiple minor injuries	**Major** Life threatening injury/illness, or multiple serious injuries	**Severe** Death or multiple life threatening injuries/illness
LIKELIHOOD	**Almost Certain** Expected in most circumstances	Medium	Medium	High	Very High	Very High
	Likely Will probably occur in most circumstances	Medium	Medium	High	High	Very High
	Possible Could occur at some time	Low	Medium	Medium	High	High
	Unlikely Not expected to occur	Low	Low	Medium	Medium	High
	Rare Exceptional circumstances only	Low	Low	Low	Medium	Medium

Table 2: WHS risk matrix

Rate the Inherent Risk

24. Assessing the inherent risk level requires consideration of the hazard or activity performed in an uncontrolled state.

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Rate the Residual Risk

25. Once the risk controls are assessed, then re-consider the likelihood and consequence of the risk occurring based on the expected performance of the identified risk controls.

CONTROL THE RISKS

26. Controlling the risks involves identifying the most effective and reasonably practicable measures by researching and identifying potential options, assessing available options and implementation of agreed options. The approval authority is responsible for delegating applicable resources to ensure measures are implemented.

27. As described in WHS legislation, risks to health and safety must be eliminated, or if not possible the risk needs to be minimised so far as is reasonably practicable. In practical terms the hierarchy of controls (Figure two) is implemented to achieve this objective.

28. Decisions as to why each control in the hierarchy is not undertaken must be formally recorded. The primary reason for this approach is to stop the minimum level of control be applied. Recording your decision is not discretionary, it is a requirement.

29. The listed hierarchy of controls in preferential order is not a rigid system, as a control combination is recommended (as applicable) for reasonable practicability factors, and decreased reliability and effectiveness from level one to three.

Level One

30. The most preferred option is *Elimination* which requires hazard removal or preventing the introduction of hazard during the design or planning stages.

Level Two

31. The next preferred option is to minimise the hazard at the source by:

a. *Substituting* for a lesser hazard e.g. procuring less noisy plant
b. *Isolating* persons by distance from the hazard
c. Using physical *Engineering* options e.g. pulleys reduce effort required.

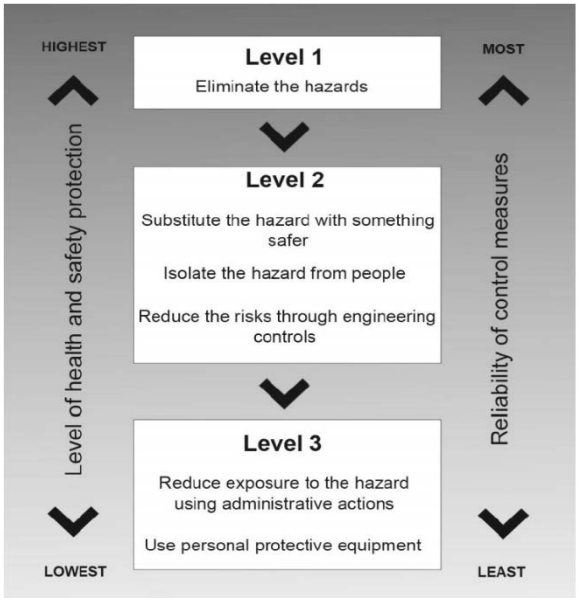


Figure two: Hierarchy of controls

Level Three

32. The least preferred option is to minimise the hazard with behavioural-based options that generally offer the lowest protection:

a. *Administrative* controls that alert workers to a hazard e.g. signage or training

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i. Any training required to mitigate the identified hazards should be noted in the workers performance agreement or in the contract for services or work

b. *Personal Protective Equipment* limits harmful effects when used and maintained correctly e.g. gloves.

RISK TOLERANCE

33. Risk levels, risk tolerance and task authorisation levels for assessed risk, are identified below in Table three. Risk levels can only be accepted by the delegated authority.

Risk Level	Risk Tolerated by:
Very High	The Secretary or permanent member of the Departmental Executive
High	SES or equivalent
Medium	EL two or equivalent
Low	EL one/APS or any person exposed to the assessed hazard

Table three: WHS risk tolerance delegations

REVIEW CONTROL MEASURES

34. The review process should be documented. It is an essential element of the risk management process to review risk assessments to ensure the context does not change, detect inadvertently introduced hazards, the risks do not escalate in likelihood or consequence, and the risk controls remain effective.

35. The register should be updated on a regular basis. Typically this should occur during quarterly WHS meetings dependent on the level of risk, or during the review period agreed in the WHS risk register.

36. Managers must review risk control measures before a scheduled review as a result of the following:

a. when the control measure(s) does not minimise the risk so far as is reasonably practicable,
b. before a change at the work that is likely to give rise to a new or different health and safety risk that the control may not effectively control,
c. if a new hazard or risk is identified,
d. at the request of a health and safety representative,
e. after a notifiable incident.

CONSULTATION

37. It is essential that all applicable stakeholders, both internal and external are engaged throughout the risk management process. Communication and consultation should be focused on a two-way process, rather than a one-way flow of information.

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38. A consultative approach is useful to help identify define the context appropriately, to ensure that risks are identified effectively, and to bring together different areas of expertise in analysing the risk. Involvement also allows the 'ownership' of risk by managers and the engagement of stakeholders, to appreciate the benefits of particular controls and their implementation.

MANAGING SHARED RISKS

39. Consultation, co-operation and co-ordination are administrative risk controls designed to prevent a shared risk from occurring. The absence or ineffective implementation of these arrangements may create a risk to health and safety. Managers are to ensure risk registers identify all requirements for consultation, co-operation and coordination to manage such potential risks.

40. Additional guidance on consultation, co-operation and co-ordination requirements refer to the WHS Communication, Cooperation, Coordination and Dispute Resolution Procedure.

ACCESS TO SAFETY AND HEALTH PROFESSIONALS

41. If a specific hazard is considered by the Manager to be outside their knowledge or experience to assess or control, contacting the WHS Section, Staff and Family Support Office, or the Medical Unit as appropriate.

42. If the level of specialist advice cannot be sought within the Department, the Manager (with the assistance of the WHS Section) can access external service providers. Divisions, Posts, Standalone Branches, and STOs are responsible for funding these professional services.

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REFERENCES

Legislation

- *Work Health and Safety Act 2011 (Cth)*
- *Work Health and Safety Regulations 2011 (Cth)*
- *Work Health and Safety (How to manage work health and safety risks) Code of Practice 2015 (Cth)*

Relevant Internal Policies

- *DFAT Risk Management Guide - 2020*
- *DFAT Work Health and Safety Policy Statement*

Relevant Internal Procedures

- *Work Health and Safety Communication, Consultation, Co-operation, Co-ordination and Dispute Resolution Procedure*

Relevant Internal Work Instructions or Guidance Material

- *Safe Work Australia Interpretive Guidelines - Model Work Health and Safety Act*
- *Safe Work Australia Interpretive Guidelines – How to determine what is Reasonably Practicable to meet a Health and Safety Duty*

Relevant Internal Forms

- *WHS Risk Assessment Form*

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GLOSSARY

Term	Definition
Contractor	Contractor also includes subcontractors, their employees, their visitors and labour hire companies that undertake work for the Department.
Controls	Controls are the current processes, procedures, actions or other measures taken to reduce the likelihood of a risk occurring (preventative control), provide an alert the risk is occurring (detective control), or minimise the impact if the risk were to occur (mitigating control).
Hazard	A situation or thing that has the potential to harm a person.
Officer	A person who makes or participates in making decisions that affect the whole or a substantial part of a business or undertaking of the Commonwealth. (Defined term under section 247 of the WHS Act 2011)
Person Conducting a Business or Undertaking	Under the WHS Act 2011, the Commonwealth is the PCBU in respect of the Department's activities and therefore owes a primary duty of care to its workers, amongst other duties. In practice, the Department is expected to fulfil the Commonwealth's duties in relation to the Department's business or undertaking. 'PCBU' is a concept that replaces – and expands upon – the traditional term 'employer'. This reflects the fact that modern workplaces can include people working under many different arrangements (e.g. employee, contractor, subcontractor, etc.).
Residual risk rating	Residual risk rating is the level of risk after controls are applied, which reflects the current level of exposure to a risk.
Risk	The possibility that harm (death, injury or illness) might occur when a person is exposed to a hazard.
Risk assessment	Risk assessment is the process of identifying, analysing, quantifying and documenting risk against objectives. You can assess a risk for likelihood (the chance of a risk happening) and consequence (the outcome or impact of a risk happening).
SFARP	So Far As is Reasonably Practicable

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WHS Risk Register	A Risk Register is a list of all the identified hazards in an area, including the risk level and the controls implemented to eliminate or minimise the risk associated with a hazard(s).
Worker	A person carrying out work in any capacity for the PCBU, including work as an employee; contractors or subcontractors (or employees of such); labour hire employee; outworkers; apprentices, trainee or work experience students; and volunteers.

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WORK HEALTH AND SAFETY MANAGEMENT SYSTEM PROCEDURE – MANAGING PSYCHOSOCIAL HAZARDS

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INTRODUCTION

1. The Department of Foreign Affairs and Trade (the department) is commitment to taking all reasonable practicable steps to provide a safe and healthy workplace in accordance with the *Work Health and Safety Act 2011* (WHS Act) (Cth), the *Work Health and Safety Regulations* 2011 (WHS Regulations) (Cth), and other legislative requirements[1].
2. The department has an obligation to ensure, so far as is reasonably practicable, the health and safety, including the psychosocial health and safety, of its workers. The department has a similar duty to other persons who may be affected by the department's workplace. There is a potential WHS duty of care should spouses / dependents (other persons) interact with a DFAT undertaking (e.g., DFAT playgrounds, accommodation, DFAT organised social events / dinners, DFAT directed departures). In addition, the department may have a common law duty of care outside of the WHS Act, and as such the Employment, Corporate Law and Litigation Section (ECL) may need to be consulted to ensure any legal risks are suitably managed.
3. On 1 April 2023, amendments were made to the WHS Regulations which clarify the department's obligations in relation to psychosocial hazards. A psychosocial hazard is anything that could cause psychological harm (e.g., harm someone's mental health). It may also cause physical harm and can arise from, or relate to:
    a. the design or management of work, or
    b. the work environment, or
    c. plant at a workplace, or
    d. workplace interactions and/or behaviours.
4. Workers at all levels should understand that the WHS provisions relating to psychosocial risk are not intended to prevent reasonable management actions undertaken in a reasonable manner (and this generally will not be viewed as workplace bullying or harassment). While these actions may be uncomfortable, they should not be avoided.
5. Psychosocial risk factors can be isolated, complex and/or intertwined. A systematic risk management approach must be adopted with the aim of eliminating the risk, or where this is not possible, minimising the risk so far as is reasonably practicable.
6. The WHS Act and Regulations have an extra-territorial application and, accordingly, the department and its workers at post are required to comply with these legislative requirements. Complexities may arise when host countries have local WHS legislation as these requirements also need to be complied with. From a practical compliance perspective, it is recommended to comply with the higher compliance requirement.

PURPOSE

7. To provide systematic guidance on the elimination or mitigation of harms associated with psychosocial hazards.

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SCOPE

8. This procedure covers all department workplaces and applies to all workers who conduct business on behalf of the department and should be applied in conjunction with the listed references contained within this procedure.

[1] The *Fair Work Act 2009* (Cth) and *Sex Discrimination Act 1984* (Cth) also articulate protections pertaining to workplace bullying and sexual harassment.

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ROLES AND REPONSIBILITIES

Person Conducting Business or Undertaking

9. The department constitutes a Person Conducting a Business or Undertaking (PCBU) under the WHS Act. The department has a *primary duty of care* and must ensure, so far as is reasonably practicable, that the health and safety of workers and other persons are not put at risk from work carried out as part of the conduct of the business or undertaking.

Other Duty Holders

10. Under WHS legislation, if multiple duty holders have overlapping duties (e.g., where the department and another Commonwealth agency conducting a joint operation), they each have an obligation, so far as is reasonably practicable, to communicate, consult, co-operate and co-ordinate activities with the other duty holders and establish dispute resolution processes. This applies to any undertaking that may give rise to, or impact, psychosocial hazards and/or risk to workers.

Officers

11. Officers have legislated *due diligence* duties under the WHS Act however, senior executives, managers and supervisors at all levels play a vital role in bringing practical effect to those duties and thereby delivering a safe and healthy workplace. This includes taking reasonable steps to ensure that the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks to health and safety, including psychosocial risks and/or hazards.
12. Further information on who is an officer and their duties is available in the *Due Diligence handbook*.

Managers and Supervisors

13. Managers and supervisors will assist Officers in fulfilling their responsibilities by:
    a. promoting a workplace culture that speaks openly about psychosocial hazards
    b. implementing this procedure
    c. ensuring psychosocial risk assessments are documented and developed in consultation with workers and health and safety representatives
    d. reporting psychosocial incidents
    e. undertaking and providing appropriate education and training to ensure workers are aware of psychosocial hazards and possess the necessary skills to perform their role effectively
    f. ensuring risk controls are implemented and their effectiveness is periodically reviewed

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g. being aware of responsibilities to report suspected misconduct to the Ethics, Integrity and Professional Standards Section
h. being aware of staff support programs to consult after an incident, including the Staff and Family Support Office or Employee Assistance Program
i. being aware of the Critical Incident Mental Health Support Policy and how it operates
j. facilitating staff access to the supports they need (including internal or external support)
k. utilising the People Division (PPD) managers toolkit
l. taking steps to mitigate potential risks or hazards in accordance with the WHS requirements.

Staff and Family Support Office

14. The Staff and Family Support Office (SFO) is responsible for:
    a. management and administration of the Mental Health and Wellbeing Officer network
    b. providing mental health related training
    c. providing clinical assessment and intervention services on psychological matters
    d. providing management consultation about psychosocial mitigation strategies and on negative psychological responses (harm consequences).

Employee Health and Safety Section

15. The Employee Health and Safety Section (EHS) is responsible for:
    a. providing psychosocial risk management advice
    b. compliance monitoring of psychosocial risks through workplace audits and tracking implementation of recommendations
    c. governance arrangements and reporting on psychosocial risks.

Performance Management and Behaviour Section

16. The Performance Management and Behaviour Section (EMP) is responsible for:
    a. overseeing the Safe Space which provide first response support to employees who raise concerns or make a report of unacceptable workplace behaviour including: bullying, harassment, sexual harassment and discrimination
    b. governance reporting on internal sexual exploitation, abuse, and harassment matters
    c. overseeing the Anti-Bullying, Harassment and Discrimination Policy
    d. management of the Diversity and Anti-Harassment Officer (DAHO) network
    e. domestic and family violence policy and case management.

Workers

17. Workers have a duty to take reasonable care for their own health and safety and must not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace. Workers are responsible for:
    a. cooperating with management with respect to any action taken to comply with this procedure

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b. following safe work practices and guidelines
c. acting in a manner that will not place at risk the safety of themselves or others
d. participating in relevant training and education
e. promptly reporting all incidents to their manager and completing a WHS incident report form
f. understanding the range of support available within the department.

Contractors

18. Contractors have a duty of care as workers on behalf of the department, to take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

19. All contractors must be provided with an induction, orientation, and instruction prior to commencing work on department worksites, which is relevant to the type of work being undertaken and the level of risk determined.

20. Further guidance is provided in the WHS Management System Procedure - Contract and Contractor Management.

Visitors

21. Ensure that they respect all workers, other people, and property during access to departmental property, and to follow rules and directions, where reasonable to do so.

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RISK MANAGEMENT PROCESS

22. The standard procedures for managing hazards in the workplace also apply to psychosocial hazards. Accordingly, the department is under an **obligation to identify reasonably foreseeable psychosocial hazards and eliminate such hazards so far as is reasonably practicable**. If it is not reasonably practicable to eliminate a risk, the department must **minimise** it so far as is reasonably practicable using a **hierarchy of control measures** specified in the WHS Regulations. The department must **maintain, review and as necessary revise its control measures** and ensure that suitable and adequate **education** and training is provided to workers.
23. When identifying psychosocial hazards and associated controls, it is a legislative requirement to consult, so far as is reasonably practicable, with the workers that perform the work which exposes them to a health and safety risk. If these workers are represented by a Health and Safety Representative (HSR), the relevant HSR must also be consulted.
24. The WHS Management System Procedure – WHS Risk Management contains information on the procedural processes involved in assessment and control of risk, including information on how and when to undertake risk assessments. Some practical examples of when to initiate these processes includes:
    a. when developing work plans or projects
    b. considering changes to the workplace
    c. in response to incident, inspection or audit reports identifying issues with administrative processes that has a psychosocial protective factor
    d. at the request of a worker or their health and safety representative due to increased workload
    e. when the risk context changes
    f. undertaking an annual safety review
    g. organisational restructures that alters work priorities.

Hazard identification

25. The identification of psychosocial hazards can be obtained from internal and external information sources:
    a. Seeking worker comments through surveys (e.g., APS Employee Census)
    b. Observing the workplace and behaviours
        i. Are workers isolated or exposed to poor conditions?
        ii. Is work rushed or delayed?
        iii. Do certain tasks result in confusion or repeated mistakes?
        iv. How do people interact with each other?
    c. Reports of injuries, incidents, or workers' compensation

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d. Speaking with SFO, MDU, post medical clinic to obtain an overview of psychosocial hazards being identified (note privacy restrictions will apply)
e. Worker complaints and investigations
f. Workplace inspection records
g. Staffing, resourcing, procurement and refurbishment decisions
h. Work systems, policies, governance arrangements, and procedures
i. Duty statements and performance agreements
j. Records of hours worked
k. Unscheduled absenteeism and turnover data
l. Exit interviews
m. WHS committee meeting minutes
n. Observations on signs of psychosocial risk exposure at the individual and/or group level. These include:
    i. Changes in behaviour
    ii. Social isolation or withdrawal, refusing offers of help or neglecting personal wellbeing needs
    iii. Increased absence from work or coming to work when ill
    iv. Lack of engagement
    v. Reduced energy
    vi. High staff turnover
    vii. Low quality performance or failure to complete tasks/assignments on time
    viii. Reduced desire to work with others
    ix. Conflicts, lack of willingness to co-operate, and unacceptable behaviour
    x. Increased frequency of errors in work or incidents.
o. Previous psychosocial risk assessments and any material feeding into the assessment.

26. It is important that the approach used to identify reasonably foreseeable psychosocial hazards draws upon multiple information sources and is reevaluated periodically during the control monitoring phase. Failure to apply these principles may result in a hazard or newly introduced hazard being uncontrolled for a protracted period of time.

27. Annex A lists potential psychosocial hazards with an accompanying description. This list is not exhaustive but rather lists what should be considered as common examples for guidance purposes. As a result of the continuous or periodic exposure to these hazards it is quite possible for two or more psychosocial hazards to combine, which also requires due consideration.

Assessing the Risks

28. Psychosocial risks can result in psychological harm (and may also result in physical harm). The severity of psychological injuries can vary however, when compared to physical injuries they tend to be more costly and reduce organisational productivity through extended absences or employees leaving the department.

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29. Prior to undertaking any risk assessments, the relevant business area WHS Risk Register should be reviewed, as the risk may have already been considered and mitigated. Where this is not the case, the risk register must be updated once the risk assessment process is complete. A copy of the WHS risk register can be provided by EHS. This is highlighted in the *WHS Procedure – WHS Risk Management*.
30. In the context of psychosocial hazards, the risk of harm can be assessed by considering:
    a. The nature of the hazard – the capacity the hazard has to induce harm, for example exposure to low levels of conflict may be unpleasant without causing a health and safety risk whereas high levels of unmanaged conflict can escalate into workplace bullying, increase stress, and cause incidents.
    b. The extent of exposure to the hazard – the duration, frequency, and intensity of exposure.
    c. The interaction between hazards – some psychosocial hazards can combine or influence another (e.g., poor support (insufficient guidance about priorities) can contribute to job demands (trying to complete all tasks when there is not the time to do so).
    d. Human factors - how workers deal with exposure to psychological hazards may vary. The abilities and limitations of people are relevant to the success of a risk assessment and other matters to address psychosocial hazards.
31. When assessing risks generated by psychosocial hazards, the potential impacts should be considered collectively as well as individually. For example, overwork (job demands) can increase tension between colleagues within and across teams, resulting in poor workplace behaviours.
32. Care should also be taken to assess different workgroups according to their specific circumstances and differing needs, including in relation to risk exposure or diversity considerations. For example, a consular officer could be periodically exposed to distressing content from an Australian imprisoned in a host country. Whereas Consular Emergency Centre staff could be regularly exposed to distressing content during a crisis.
33. The procurement of products and services and the contracting for, and outsourcing of, activities can affect existing psychosocial risks and create new risks or opportunities. For example, construction refurbishment works affecting workplace design, and security guard services being exposed to traumatic events. When undertaking such action, the following needs to be taken into account:
    a. how the procurement of products and services creates these risks
    b. how the engagement of contractors can impact workplace culture, worker roles and expectations
    c. how the outsourcing of activities impacts on schedules, workloads, changes in work tasks, job security, supervision or work quality
    d. how the shared duty to protect worker health and safety is managed.
34. For guidance on negative psychological responses (harm consequences) managers can consult the Staff and Family Support Office.

Potential Risk Controls

35. The WHS Regulations requires that the department eliminate risks to the health and safety of workers, where it is reasonably practicable to do so. Due to the complex nature of the department's work, psychosocial hazards cannot always be eliminated. Where elimination cannot be achieved the hierarchy of control measures in the WHS Regulations must be applied to minimise the risk to so far as is reasonably practicable.

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36. When implementing a control measure consideration must be given to ensure it does not create an additional or amplify an existing risk. Additionally, the WHS Regulations requires when considering control measures for psychosocial hazards, the following relevant matters must be given due regard:
    a. the duration, frequency, and severity of the exposure of workers and other persons to the psychosocial hazards; and
    b. how the psychosocial hazards may interact or combine; and
    c. the design of work, including job demands and tasks; and
    d. the systems of work, including how work is managed, organised, and supported; and
    e. the design and layout, and environmental conditions, of the workplace, including the provision of:
        i. safe means of entering and exiting the workplace; and
        ii. facilities for the welfare of workers; and
    f. the design and layout, and environmental conditions, of workers' accommodation; and
    g. the plant, substances, and structures at the workplace; and
    h. workplace interactions or behaviours; and
    i. the information, training, instruction, and supervision provided to workers.

The Hierarchy of Controls

37. If eliminating the hazards and associated risks is not reasonably practicable, managers and supervisors must minimise the risk by one or more of the following:
    a. Substitution—minimise the risk by substituting or replacing a hazard or hazardous work practice with something that gives rise to a lesser risk. For example, change the method of contact between a worker and an aggressive client.
    b. Isolation—minimise the risk by isolating or separating the hazard or hazardous work practice from any person exposed to it. For example, isolating staff from potentially aggressive clients by using distance, or filtering offensive material, and
    c. Engineering—engineering controls are generally physical control measures to minimise risk. For example, the installation of duress alarms in potentially high stress environments.
    d. If risk from the hazard remains, it must be minimised by implementing administrative controls (e.g., introduction and refresher training), so far as is reasonably practicable. Any remaining risk must be minimised with suitable Personal Protective Equipment.
38. Administrative control measures and PPE do not control the hazard at the source. They rely on human behaviour and supervision and used on their own tend to be the least effective in minimising risks.
39. Annex A lists potential psychosocial control measures for consideration into WHS risk registers.

Reviewing Control Methods

40. The department must maintain, monitor, and review and then, if necessary, revise control measures to ensure they remain effective. This should be undertaken periodically based on the level of risk, for example, high risks undertaken monthly, medium risks undertaken biannually, and low risks undertaken annually.
41. In addition to the periodic reviews, the WHS Regulations requires reviews must occur:
    a. where a new hazard or risk is identified

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b. when an injury or incident occurs
c. where new information comes available about effectiveness of controls
d. as part of regular risk considerations in the workplace/post
e. if a control measure is not adequately minimising the risk
f. before a significant workplace change occurs for example a change to the work environment or systems of work
g. where consultation indicates a review is necessary, or
h. if a HSR requests a review.

Consultation

42. The department must, so far as is reasonably practicable, consult with workers or their representatives on any health and safety matters in the workplace. Additionally, the department has a duty to consult with shared duty holders to ensure risks are managed in coordinated and cooperatively approach.

43. Further guidance can be found in the WHS Management System Procedure – Communication, Consultation and Dispute Resolution.

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ADDITIONAL REQUIREMENTS

Education and Training

44. Education, training, and information provision can take many forms such as completing e–learning modules, formal qualifications, reading policies, policy guidelines, procedures, mentoring and supervision.

45. The purpose of education, training and information is to provide workers with skills, knowledge, competencies and understanding relevant to their roles, responsibilities, and accountabilities. Training should be considered as an essential element in understanding the hazards and controlling the risks associated with psychosocial hazards in the workplace. In accordance with clause 7.2.2 from the ISO 45003:2021, the department encourages persons at the following levels to undertake the following training:
    a. Senior management: SFO course - Mental health for managers.
    b. Managers and supervisors: SFO course - Mental health for managers; LUMI - Trauma-informed briefing on responding to disclosures of sexual exploitation, abuse and harassment; and LUMI - Early intervention eLearning.
    c. Workers (DFAT APS and LES) performing WHS risk assessments, implementing control measures and performing evaluation reviews: SFO course - Mental health for managers, LUMI - Risk management eLearning; and LUMI - The Essentials Suite.
    d. Workers (contractors) performing WHS risk assessments, implementing control measures and performing evaluation reviews: a suitable WHS risk management course that includes information on psychosocial hazards.

46. Comcare has produced the below suite of short WHS videos on good work design. Managers and supervisors are encouraged to review these resources as through application of the outlined principles may create a psychosocial healthy and safe workplace.
    a. Knowing your team
    b. Building trust in your team
    c. Supporting your team
    d. Effective communication
    e. Addressing work demands
    f. Managing change at work
    g. Managing absence
    h. Enhancing performance
    i. Providing flexible work

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47. Further guidance can be found in the WHS Management System Procedure – WHS Training and Awareness.

Privacy and Records Management

48. The department has an obligation to protect the privacy of workers impacted by a psychosocial hazard. However, if it is impracticable or unreasonable to obtain a worker's consent to the disclosure of their personal information, the department is permitted under the *Privacy Act 1988* to do so if the department reasonably believes that it is a necessary to lessen or prevent a serious threat to the life, health or safety of the worker (or any individual), or to public health and safety. There may be other circumstances in which disclosure is permitted in order to allow the department to comply with its obligations under WHS legislation – Legal Division (LGD) can provide legal advice on a case-by-case basis.

49. Records must be kept in accordance with the department's Records Management Policy.

Raising Concerns and Reporting of Psychosocial issues

50. Depending on the psychosocial hazard, the department has various approaches to reporting a psychosocial issues or incidents. The reporting of psychosocial issues or incidents can cover scenarios that are singular or prolonged in nature. In responding to a psychosocial issue a 'do no harm' approach prioritising the rights, needs and wishes of the person reporting, while ensuring procedural fairness to all parties should be applied, as appropriate. Which approach is most appropriate will depend on the circumstances. If you are uncertain, guidance may be sought from EHS.
    a. The WHS reporting system.
    b. Staff that experience a psychosocial response to occupational violence (e.g., physical attacks) should submit security incident reports. Where it is safe to do so make a record, e.g., written, photo, video and/or audio recording, of any incident of violence, and provide the record to Diplomatic Security Division or, overseas, to the Post Security Officer.
    c. Staff can seek advice, support and raise issues of unacceptable behaviour including bullying, harassment, sexual harassment and discrimination, via email s 47E(d) @dfat.gov.au) or if the matter is serious in nature by contacting the Safe Space's 24/7 contact number (+61 481 093 402).
    d. Submit a formal complaint about misconduct Ethics, Integrity and Professional Standards Section (EES) s 47E(d) @dfat.gov.au).

51. Workers can also take the following steps to raise a psychosocial concern.
    a. In the first instance, it is recommended to raise a psychosocial concern with your supervisor unless the concern relates to the supervisor.
    b. Talk to a health and safety representative (HSR), diversity and harassment officer (DAHO), or mental health and wellbeing officers.
    c. Have an informal discussion with the Performance Management and Behaviour Section (safespace@dfat.gov.au).

52. Workers experiencing distress are encouraged to utilise the professional counselling services of the Staff and Family Support Office s 47E(d) @dfat.gov.au) or our Employee Assistance Provider (LifeWorks).

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Work Health and Safety Investigations into Psychosocial Incidents

53. The department has various work areas that are responsible for their respective responses to reported psychosocial hazards or incidents. For example, EES is responsible for implementing its formal misconduct process for allegations of workplace bullying, and security incidents are to be reviewed in accordance with the DFAT Security Framework.

54. For reported psychosocial incidents within the remit of EHS, these matters will managed in accordance with the WHS Management System – Incident Response Procedure.

Emergency Management Preparedness and Response

55. Emergencies can present psychosocial risks such as exposure to trauma and threats to life. Workers with responsibilities for managing emergency response processes (e.g., Post Crisis Action Plans, building emergency management manual, confined space rescue plans) need to consider measures (e.g., Critical Incident Mental Health Support Policy, DFAT Suicide Prevention Policy) to mitigate the potential of psychosocial harm.

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ANNEX A: EXAMPLE PSYCHOSOCIAL HAZARDS AND CONTROL MEASURES

Hazard	Description	Potential control measures
Job demands	• Intense or sustained high mental, physical or emotional effort required to do the job. • Unreasonable or excessive time pressures or role overload. • High individual reputational, legal, career, safety or financial risk if mistakes occur. • High vigilance required, limited margin of error and inadequate systems to prevent individual error. • Shifts/work hours that do not allow adequate time for sleep and recovery. • Sustained low levels of physical, mental or emotional effort is required to do the job. • Long idle periods while high workloads are present, for example where workers need to wait for equipment or other workers.	<u>Work design solutions</u> • Schedule tasks to avoid intense or sustained low or high job demands (e.g. schedule non-urgent work for quieter periods). • Manage supply chains to avoid large fluctuations in demand (e.g. delays in supplies causing backlogs of orders). • Plan shifts to allow adequate rest and recovery, particularly between periods of high demand. <u>Physical work environment solutions</u> • Design the workplace to eliminate demanding tasks or jobs (e.g. locate the storeroom next to the loading dock so deliveries do not require double handling). • Provide quiet spaces for workers doing mentally demanding work. • Implement systems to reduce human error (e.g. use IT systems to capture important information and generate reminders). • Create capacity through utilising IT systems to automate aspects of work. • Provide appropriate break areas (e.g. air-conditioned or shady areas for physically demanding work or staff-only areas for workers dealing with difficult customers). <u>Modifying job demands solutions</u> • Plan your workforce so you have an adequate number of appropriately skilled staff to do the work and so that tasks utilise your workers' skills. • Roster adequate number of workers to ensure they can take required breaks over long or busy shifts. • Rotate workers through demanding or repetitive tasks. • Reschedule non-urgent tasks if demand is unexpectedly high or low. • Provide additional support during periods of high demand (e.g. provide more workers, better equipment or outsource tasks). • Schedule enough time for difficult tasks to be completed safely. Inexperienced workers may require additional time, supervision or support. • Outsource tasks to external companies with the capacity to deliver services safely (e.g. outsource tasks to companies that have appropriately skilled workers or specialised equipment). <u>Safe work systems and procedures solutions</u> • Empower workers in situations where they face high emotional demands (e.g. allow discretion in providing refunds where appropriate to avoid customer aggression or distress). • Have regular conversations about work expectations, workloads, deadlines and instructions to ensure job demands are understood and can be managed. • Regularly review and update work policies and procedures to avoid unnecessary work (e.g. ensure reporting lines are suitable for current workloads). • Have systems for escalating problems and getting support from managers. • Review and implement the WHSMS procedure – fatigue management. • Review and implement Annex B (Managing job demands quick reference guide) of this procedure. <u>The worker solutions</u> • Set achievable performance targets, with consideration for the worker's experience and skills. • Provide training if required to ensure workers have the skills to meet work demands.

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Hazard	Description	Potential control measures
		• If emotional demands are an unavoidable part of a worker's role, ensure these are captured in the position description and applicants are informed at the pre-selection stage (e.g. at interview) of the demanding nature of the role.
Low job control	• Workers have little control over aspects of the work including how or when the job is done. • Workers have limited ability to adapt the way they work to changing or new situations. • Workers have limited ability to adopt efficiencies in their work. • Tightly scripted or machine/computer paced work. • Prescriptive processes which do not allow workers to apply their skills and judgement. • Levels of autonomy not matched to workers' abilities	<u>Job/work design solutions</u> • Match workers' level of autonomy to their skills and experience. • Implement consultation arrangements to regularly discuss the work, how it is done and any changes impacting workers. • Develop governance arrangements and approval processes that balance risks and efficiency to streamline lower risk tasks. • Design processes and systems to deal with new situations and provide autonomy for workers to apply their judgement when processes are not fit for purpose. <u>Physical work environment solutions</u> • Design processes and systems so workers control their workflow (e.g. use electronic systems to filter client queues and give workers control over when the next client is called). • If work is machine or computer paced, design processes so workers can alter the pace of work, change tasks, or pause the workflow to take breaks. • Provide workers with reasonable control over their physical environment (e.g. workers can adjust their workstation). <u>Improving job control solutions</u> • Plan any regular additional work hours or changes to work in advance with workers (e.g. if additional hours are usually required during peak season, plan this in advance with workers). • Involve workers in organisational decision-making processes and encourage suggestions for continuously improving work practices. • Plan deadlines, performance targets, work allocations and work plans in consultation with workers. • Hold regular team meetings and discuss any work challenges with workers and discuss how problems could be solved. • Monitor staff in way that is not excessive or punitive. <u>Safe work systems and procedures solutions</u> • Create an environment where workers feel empowered to raise safety concerns about work requirements. • Encourage workers to suggest changes or adopt efficiencies in their work. • Provide leadership and supervision that supports workers to take reasonable control over their work. <u>The worker solutions</u> • Develop a performance management system that ensures workers have input into the way they do their work rather than focusing only on output. • Hire workers with the right mix of skills and experience for the position including the level of autonomy the job will have.
Poor support	• Tasks or jobs where workers have inadequate support including practical assistance and emotional support from managers and colleagues, or inadequate training, tools and resources for a task.	<u>Job/work design solutions</u> • Implement good information sharing systems so workers have quick access to the information they need to do their jobs (e.g. ensure databases are kept up to date and are user friendly). • Design work so supervisors have manageable workloads, sufficient resources and their span of control allows effective supervision (e.g. supervisors have time to answer questions or assist with challenging tasks). • Establish systems to ensure regular, fair, goal-focused and constructive feedback discussions occur between workers and supervisors to discuss work tasks, and any support or development needs (e.g. implement end of shift debriefs or require supervisors to do quarterly check ins). • Provide clear management structures and reporting lines (e.g. provide organisational charts or ensure workers understand who to go to for help). <u>Physical work environment solutions</u> • Provide workers with the things they need to do their jobs properly and safely (e.g. the right tools, equipment, systems and resources) and ensure workers have sufficient access to them (e.g. they are conveniently located and workers do not need to compete for access). • Provide workers with access to supervisors (e.g. locate workers close to their supervisor or if working remotely provide tools like videoconferencing). • Design the work environment to facilitate cooperation and ensure people can ask for help (e.g. workers can easily have discussions with others and there are suitable meeting spaces).

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Hazard	Description	Potential control measures
		Increasing support solutions • Hold regular team meetings, and discuss any challenges, issues and support needs (e.g. ask workers about any new challenges or training they may need). • Build a workplace culture that values collaboration and cooperation instead of competition (e.g. establish team rather than individual goals or praise cooperation). • Maintain tools, systems and equipment, and review whether they are suitable for the work (e.g. ensure equipment works and consider whether other equipment might work better or more efficiently). • Schedule meetings to ensure supervisors have availability during workers' usual hours to meet with them so workers can raise issues or ask questions. • Increase the level of support during peak periods or challenging tasks (e.g. roster more workers on during peak season or check in more often for challenging tasks). • Backfill roles or redistribute work when workers are out of the office or on leave. • Design rosters so supervisors are available to help during difficult or busy times. • Set clear work goals and clearly explain tasks. Safe work systems and procedures solutions • Train workers on how to do their jobs and use relevant tools, equipment, systems, policies, or processes. • Establish open communication (e.g. have an open-door policy) and encourage workers to share concerns early (e.g. by taking their concerns seriously and ensure they have safe spaces to raise them). • Encourage and reward workers supporting each other. • Encourage the development of positive working relationships (e.g. invest in team planning and building activities and encourage team discussions). • Build interpersonal capabilities across the team (e.g. emotional intelligence, conflict resolution, or communication and feedback skills). • Encourage supervisors to be empathetic in their leadership, including taking workers' concerns seriously, sensitively managing problems and helping when workers are struggling. • Ensure supervisors understand their role in supervising workers. • Encourage supervisors to provide timely, task specific, constructive feedback. The worker solutions • Hire supervisors with the skills, experience and training to perform their role and support their team. • Provide development programs to improve supervisors' skills. • Establish inductions, training and mentoring (e.g. buddy programs) for new workers.
Lack of role clarity	• Uncertainty, frequent changes, conflicting roles or ambiguous responsibilities and expectations.	Job/work design solutions • Provide position descriptions and develop a Performance Development Agreement (PDA) that clearly outline all key tasks, responsibilities and role expectations. • Design management structures with clear reporting lines. • Provide workers with a single immediate supervisor. • Detail reporting lines in an organisational chart. Physical work environment solutions • Provide a workplace which is compatible with workers' responsibilities (e.g. seat workers with their teams). • Provide systems, tools and equipment which is compatible with workers' responsibilities (e.g. IT systems with profiles set up for different users and access to programs they need for their role). Providing role clarity solutions • Provide clear work instructions and expectations, explain why roles, responsibilities and tasks have been allocated, and ensure workers understand. • Ensure workers assigned to the same task understand who is doing what. • Change tasks or processes that frequently create conflict, confusion, or result in frequent mistakes (e.g. provide clearer explanations or redesign the tasks). • Update job descriptions and any role expectations following changes.

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Hazard	Description	Potential control measures
		• Implement regular check-ins and encourage open discussion among team members to ensure they are clear about who is doing what. • Provide all workers with an induction and ensure they understand their role. • Provide clear guidelines for what to do when expectations do not align (e.g. between workers, workers and supervisors, or workers and clients). • Implement systems to help workers identify issues or conflicts and resolve them. <u>Safe work systems and procedures solutions</u> • Talk to workers to ensure they understand their role, your expectations, who they report to and the organisations work more broadly. • Encourage feedback on changes that affect workers' job tasks • Design a performance feedback system where employees receive regular feedback and provide them an opportunity to raise concerns about role clarity. • Check with employees to ensure they understand any additional or different responsibilities or duties following an organisational change or restructure. <u>The worker solutions</u> • Encourage workers to talk to their supervisor or manager early if they are unclear about the scope or responsibilities of their role. • Provide a realistic job summary and overview during recruitment and selection processes so applicants are aware of the role, expectations and responsibilities.
Poor organisational change management	• Insufficient consultation, consideration of new hazards or performance impacts when planning for, and implementing, change. • Insufficient support, information or training during change. • Not communicating key information to workers during periods of change	<u>Job/work design solutions</u> • You must consult workers who are, or are likely to be, affected by a work health and safety matter. You must agree consultation arrangements with your workers and should design them to suit your workplace. You must use agreed consultation arrangements when planning changes that raise work health and safety concerns. • Modify work plans to allow for a period of change (e.g. adjusting performance targets while workers learn new roles). • Plan any changes to duties, tasks, objectives and reporting arrangements to ensure they are reasonable and fair (e.g. ensure workers will not have too much to do). <u>Physical work environment solutions</u> • Provide practical support for changes in duties, tasks or objectives (e.g. ensure workers have access to the tools and resources they need to perform a new task). • Provide mechanisms to guide workers and managers through the change process (e.g., Clause 73 (Consultation) of Human Resource Manual Vol. 1). <u>Managing and communicating organisational change solutions</u> • Provide authoritative information about upcoming changes and options being considered as soon as possible, keep workers up to date, and ensure workers understand the changes (e.g. provide updates at team meetings or on notice boards). • Inform customers and suppliers about changes and any impacts this will have. • Provide workers with the reasons for changes. • Provide emotional support to help workers deal with challenges or frustrations resulting from change and uncertainty. <u>Safe work systems and procedures solutions</u> • Encourage workers to engage with the development of new position descriptions and work processes. • Encourage workers to engage with consultation and raise any issues, concerns or suggestions. • Respect individual differences and recognise workers will respond to change in a range of ways and will have different needs in consultation and engagement. <u>The worker solutions</u> • You must provide workers any information, training, instruction and supervision necessary to safely complete their work (e.g. train them on safely using new equipment).
Inadequate reward and recognition	• Jobs with low positive feedback or imbalances between effort and recognition.	<u>Job/work design solutions</u>

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Hazard	Description	Potential control measures
	• High level of unconstructive negative feedback from managers or customers. • Low skills development opportunity or underused skills.	• Use fair, transparent and meaningful ways of providing recognition and rewards to reflect workers' efforts (e.g. avoid only recognising the workers doing high profile work; recognise teamwork and corporate contributions). • Design fair and transparent performance management processes (e.g. ensure performance measures relate to aspects of work within a worker's control and consult workers on performance expectations). <u>Providing appropriate recognition and reward solutions</u> • Provide recognition or feedback promptly and ensure it is specific, practical, fair and clearly relates to workers' performance (e.g., DFAT Reward and Recognition Framework). • Consult workers when designing reward and recognition systems. <u>Safe work systems and procedures solutions</u> • Develop leaders' abilities to provide constructive feedback and recognise good performance. • Ensure performance management systems focus on aspects of work that are within the worker's control. • Ensure you attribute work correctly and ensure the right workers receive recognition for achievements. • Train supervisors on how to have difficult conversations and manage underperformance in a way that prioritises improvement over blame. <u>The worker solutions</u> • Implement systems to support performance (e.g. training and mentoring) and provide opportunities for development (e.g. allow workers to take ownership of particular tasks). • Recruit or train supervisors with the skills to provide constructive feedback and recognise the contributions of workers.
Poor organisational justice	• Inconsistent, unfair, discriminatory or inequitable management decisions and application of policies, including poor procedural justice.	<u>Job/work design solutions</u> • Design unbiased and transparent workplace processes, policies and procedures in consultation with workers (e.g. decision making, recruitment, promotion, performance management, task allocation, work health and safety or workplace entitlement policies). • Consult workers when setting work standards or performance expectations. Ensure they are measurable and achievable. <u>Physical work environment solutions</u> • Design a workplace environment where private conversations can be held and ensure confidential information is kept secure. • Ensure the workplace accommodates reasonable needs of workers (e.g. provide accessible ramps, doors or IT equipment). <u>Safe work systems and procedures solutions</u> • Provide mechanisms for workers to report issues, raise concerns or appeal workplace decisions (e.g., Review of Action Policy). • Regularly review policies, processes, procedures, performance expectations and decisions to ensure they are appropriate, fair and reflect the needs of the workplace. • Communicate processes and information to workers in a timely and appropriate way (e.g. notify unsuccessful applicants privately before you publicly announce promotion decisions). • Provide systems to protect workers who raise safety concerns from discrimination (Sections 104-109 of the WHS Act prohibit discriminatory, coercive or misleading conduct). <u>The worker solutions</u> • Encourage workers to use available processes to raise concerns, issues or complaints early, and use appeal processes when necessary. • Ensure workers are informed and understand policies, processes, expectations and performance targets. • Hire and promote workers based on merit using transparent selection methods.
Traumatic events or material	• Experiencing fear or extreme risks to the health or safety of themselves or others. • Exposure to natural disasters, or seriously injured or deceased persons. • Reading, hearing or seeing accounts of traumatic events, abuse or neglect.	<u>Job/work design solutions</u> • Design work to minimise the number of workers exposed to traumatic events (e.g. design roles so tasks that can be carried out away from an accident or disaster scene are performed from another location). • Coordinate and schedule tasks at traumatic scenes so workers are not exposed to unnecessary trauma (e.g. arrange for less urgent tasks to be performed after a body has been removed). <u>Physical work environment solutions</u> • Eliminate physical risks to health and safety in the workplace to prevent trauma from a workplace incident or near miss.

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Hazard	Description	Potential control measures
	• Supporting victims or investigating traumatic events, abuse or neglect.	• Remove or secure potentially lethal means of self-harm (e.g. medications or hazardous chemicals) from the workplace or secure them (e.g. require two workers to enter codes to access storage units or require higher level authorisation processes). • Provide physical barriers to discourage suicide attempts (e.g. install fences to prevent access to train tracks or railings on bridges, locking windows and limiting roof access). • Implement file flagging processes or password requirements on potentially distressing files to eliminate inadvertent exposure to distressing content. Minimising exposure to traumatic events or material solutions • Reduce exposure to traumatic materials, particularly if there is no operational need for workers to view or listen to all the materials or consider them in detail (e.g. allow online moderators to remove users based on a single serious breach or encourage officers discovering suspected child abuse material to pass that material to identified investigations without reviewing it). • Use screening software to remove explicit material. • Minimise the number of workers exposed to traumatic materials or events (e.g. do not bring unnecessary workers into an investigation or natural disaster area). • Minimise the amount of traumatic materials or events each worker is exposed to (e.g. rotate workers through different roles to provide periods of respite). • Reduce workloads so workers can investigate thoroughly and provide adequate support to victims (e.g. prevent workers from feeling they 'failed someone'). • Increase breaks and recovery time after exposure to a traumatic event (e.g. provide time to disconnect from work). Safe work systems and procedures solutions • Provide guidelines and procedures for dealing with incidents, train workers in these procedures and ensure they understand them (e.g. reduce the number of decisions workers make during a traumatic event). • Implement reporting systems for exposure to traumatic or distressing events. Implement systems that prompt supervisors to support workers, trigger a review of the incident and a review of whether control measures are working as planned. • Create a safe space for workers to report traumatic or distressing events and deal with these disclosures sensitively and seriously. • Implement peer support programs. • Implement procedures (e.g., Critical Incident Mental Health Support Policy) for providing support after traumatic events (e.g. provide counselling and professional support). • Train supervisors on responding to trauma and where they can get assistance. The worker solutions • Ensure recruitment and selection practices incorporate a realistic job preview so applicants are aware the role has the potential to expose them to trauma. • Monitor the health of your workers following traumatic events, or when dealing with traumatic materials, using processes developed in consultation with workers. • Provide training to workers so they understand their role, know how to respond effectively, and know where to access advice and assistance during a traumatic event. • Provide training to workers who may be exposed to traumatic events or have a role in supporting workers who are exposed, so they can recognise signs and symptoms of stress and ensure they know where and how to access support. • Monitor and support workers following traumatic events (e.g. are there any changes to their behaviours or increased absenteeism). • Provide employee assistance programs and encourage workers to use them.
Remote or isolated work	• Working in locations with long travel times, or where access to help, resources or communications is difficult or limited.	Refer to WHS management system procedure – Remote and Isolated Work

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Hazard	Description	Potential control measures
Poor physical environment	• Exposure to unpleasant or hazardous working environments	As required – Refer to relevant WHS management system procedure/s.
Violence and aggression	• Violence, or threats of violence from other workers (including workers of other businesses), customers, patients or clients (including assault). • Aggressive behaviour such as yelling or physical intimidation.	Refer to WHS management system procedure – Occupational Violence and Aggression
Bullying	• Repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. This includes bullying by workers, clients, patients, visitors or others.	Refer to the DFAT Anti-Bullying, Harassment and Discrimination Policy Refer to Ethics, Integrity and Professional Standards Policy Manual
Harassment including sexual harassment	• Harassment due to personal characteristics such as age, disability, race, nationality, religion, political affiliation, sex, relationship status, family or carer responsibilities, sexual orientation, gender identity or intersex status. • Sexual harassment - any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. • Harmful behaviour that does not amount to bullying (such as single instances) but creates a risk to health or safety.	Refer to the DFAT Anti-Bullying, Harassment and Discrimination Policy (for matters involving internal staff). Refer to Preventing Sexual Exploitation, Abuse and Harassment Policy (for matters involving funded partners). Refer to Ethics, Integrity and Professional Standards Policy Manual
Conflict or poor workplace relationships and interactions	• Poor workplace relationships or interpersonal conflict between colleagues or from other businesses, clients or customers. • Frequent disagreements, disparaging or rude comments, either from one person or multiple people, such as from clients or customers. A worker can be both the subject and the source of this behaviour. • Inappropriately excluding a worker from work-related activities.	Refer to the DFAT Anti-Bullying, Harassment and Discrimination Policy Refer to Ethics, Integrity and Professional Standards Policy Manual
Sophisticated State sponsored psychosocial threats / tactics	• Utilisation of State resources to place psychosocial pressures on DFAT workers.	The below examples are not exhaustive, consideration must be given by post management on applicability of, or suitability of additional, control measures. Additionally, consideration must be given to the practical limitations of the inability to eliminate this workplace hazard. In recognising this limitation and the interactive effect of psychosocial hazards efforts should also be directed towards other psychosocial hazards (e.g., job demands, role clarity) to reduce the impact of this specific hazard. Job/work design solutions • Posted A-based officers and their dependants (if allowed) to be provided diplomatic passports. Physical work environment solutions • So far as is reasonably practicable provide a safe and secure workplace (for all DFAT workers) and accommodation (for DFAT A-based and dependants). Safe work systems and procedures solutions

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Hazard	Description	Potential control measures
		• Enable informed decision making by potential A-Based candidates through maintenance of post profile reports and on-demand briefings. • Pre and post posting medical and psychological screening processes. • Relevant protective security training. • Pre-posting briefings. • WHS and Security incident reporting systems. • Provision of conditions of service reflective of post operating environment. • Periodic (frequency to be locally determined) supervisory wellbeing check-ins with staff. • PPD post visits, including at a suitable alternate location, to provide training that supports the psychosocial safety agenda (e.g., Workplace Ethics and Integrity, Mental Health, Performance Management, and Inappropriate Workplace Behaviour) The worker solutions • Encourage workers to talk to their supervisor or manager early if they experience state sponsored psychosocial threats / tactics. • A-based officers are encouraged to seek in-person SFO or EAP counselling should virtual support not be viable.

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ANNEX B: MANAGING JOB DEMANDS QUICK REFERENCE GUIDE

These steps aim to assist workers and managers to reduce the risks of psychosocial harm arising from job demands. If after following these steps a residual a psychosocial hazard from job demands remains, you should escalate this residual hazard to more senior managers to seek their assistance.

Step 1 – Consider work organisation context risk factors:

- Organisational function and culture
- Leadership
- Organisational change management
- Interpersonal relationships at work
- Role in organisation
- Career development
- Decision latitude and control
- Resource allocation

Step 2 – Consider job construct context risk factors:

- Work environment and equipment
- Task design
- Workload
- Work schedules
- Worker skills, capabilities, and training

Step 3 – Identify sources of harm:

- Observe how the work is carried out, how workers interact, noting any rushing, delays or backlogs.
- Review relevant information and records.
- Talk with workers, HSRs, managers and WHS specialist and share information about hazards and risks.

Step 4 – Control job demand risks

- Establish or review business plans
- See Annex A for additional examples.

Time demands

- Ensure staffing levels align with expected outputs and workers have enough time to complete tasks.
- Ensure workers take breaks and allow for sufficient time between rostered shifts.
- Give workers the opportunity to provide input into work pace and timing.
- Set realistic and achievable targets.
- Monitor workloads during peak periods, such as Christmas.
- Regularly review workloads to ensure workers have sufficient support.

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- Help employees develop personal work plans to help them prioritise tasks.
- Encourage workers to speak up at an early stage if they feel their workload is excessive.

Cognitive or emotional demands

- Rotate tasks and schedules where possible to provide job variety and to lessen the impact of repetitive and monotonous tasks.
- Give workers some control over the way they do their work, including work pace and order of tasks.
- Ensure there is enough time for regular breaks that provide a 'time-out'.
- Have support systems in place for workers that make complex or difficult decisions, e.g. a second person to assist.
- Provide training and ongoing support to workers on how to diffuse difficult or confronting situations.
- Consider training and regular check-in procedures for workers.

Physical demands

- Allow regular breaks and rotate repetitive manual tasks between workers where possible.
- Make the physical environment as comfortable as possible, such as changes to the workstation, equipment, or the way the job is done.
- Substitute heavy manual tasks with machinery to reduce physical workloads where practicable.
- Ensure workers are well trained and physically capable of doing the work.

Job demands resulting from organisational change

- Reassess workload during change and reallocate or reprioritise as needed.
- Consult workers about potential impacts and listen to their views.
- Engage workers through regular consultation and communication during changes, including supports available.

Step 5 – Monitor and review:

- Continue to monitor the WHS issue.
- Periodically discuss the effectiveness of implemented solutions with workers and their HSR.
    - If additional solutions can be implemented then do so,
    - If additional solutions cannot be implemented, then:
        - submit a WHS incident report; and
        - notify appropriate management representative seeking approval to accept the risk.

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REFERENCES

Legislation

- Work Health and Safety Act 2011 (Cth)
- Work Health and Safety Regulations 2011 (Cth)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Privacy Act 1988 (Cth)

Relevant Standards

- ISO 45001 – Occupational health and safety management systems – requirements with guidance for use
- ISO 45003 – Occupational health and safety management -psychological health and safety at work: managing psychosocial risks – Guidelines
- Model Code of Practice: Managing psychosocial hazards at work

Relevant Internal Policies

- Work Health Safety and Rehab Commitment Statement
- Human Resources Manual Vol. 1
- Human Resources Manual Vol 2
- Human Resources Manual Vol 3
- Locally Engaged Staff Human Resources Manual
- LES Performance Management Framework
- Ethics, Integrity and Professional Standards Policy Manual
- Review of Action Policy
- DFAT Security Framework (DSF) – Reporting Policy
- DFAT Suicide Prevention Policy
- Critical Incident Mental Health Support Policy
- Anti-bullying, Harassment and Discrimination Policy
- Preventing Sexual Exploitation, Abuse and Harassment Policy
- DFAT Performance Management Framework
- DFAT Rewards and Recognition Framework
- DFAT Capability Framework
- DFAT Job Family Model
- Records Management Policy
- Rehabilitation Management System
- Administrative Circular P1206 – Funding Positions from Administered Aid Budget

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Relevant Internal Procedures

- Officer Due Diligence Manual
- WHS Customer Aggression and Occupational Violence Procedure
- WHS Fatigue Management Procedure
- WHS Incident Response Procedure
- WHS Remote and Isolated Work Procedure
- WHS Risk Management Procedure
- WHS Training and Awareness Procedure
- WHS Communication, Consultation, and Dispute Resolution Procedure
- WHS Contract and Contractor Management Procedure
- Performance Management Framework Procedure
- Managing Underperformance Procedure

Internal Guides

- How To Manage A Stated Intent To Suicide or Self-Harm
- Dealing With A Difficult Client
- Mental Health and Wellbeing Officer Induction
- Work Level Standards – Locally Engaged Staff Classification Framework
- PPD Managers Toolkit

Relevant Internal Forms

- WHS Incident or Hazard Report Form
- WHS Causal Analysis Form

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1.0	15/04/2024	First release