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Knowledge is power. Keep your colleagues informed by printing this newsletter to put up on your workplace noticeboard.

EXPERIENCING VIOLENCE AT WORK

WHAT ARE MY RIGHTS?

This article is brought to you by Slater and Gordon.

By Robert Auricchio, Slater and Gordon Senior Associate.

Many employees in the disability services sector experience workplace violence during the course of their employment. The effects of workplace violence cannot be underestimated.

What is workplace violence?

Generally, workplace violence involves being subjected to abuse, threats, and physical assault during the course of undertaking your duties at work.

Under the *Occupational Health and Safety Act 2004* (“the OHS Act”) employers are obligated to provide their employees a safe working environment and take reasonable steps to protect you from harm.

Risk assessments should be conducted by the employer. In the disability services sector, consideration should be given to the potential risks posed by co-workers as well as patients and clients. Clear and workable systems should be in place to identify and address potential risks.

What are my rights if I experience workplace violence?

You are entitled to be protected under the OHS Act. You should become familiar with the relevant OHS, complaint and disputes procedure at your workplace and/or under your Enterprise Agreement.

If you genuinely fear that you are in danger, particularly if the threat of violence begins to extend outside of work hours, then you should apply for a Personal Safety Order under the *Personal Safety Intervention Orders Act 2010*. You can make an application by attending a police station or a local Magistrates Court in Victoria. The purpose of the Interim Order is to protect you in the short term. The person the order has been taken out against will then be given an opportunity to respond to the Order at a hearing, which will be determined by the court.

You can also apply to the Fair Work Commission under the *Fair Work Act 2009 (Cth)* alleging bullying particularly if the conduct is repeated. The Fair Work Commission can order the bullying to stop if you are bullied at work.

If you are injured because of workplace violence, you may be eligible to make a workers’ compensation claim. Even if you do not sustain physical injuries, you may be able to claim for the psychological impacts of

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workplace violence. If you need to take time off work, you will also need to lodge a WorkCover Certificate of Capacity. To find out more about your rights if you are injured at work, contact HACSU and/or Slater and Gordon for advice or assistance or go to the HACSU website to read our article on Making a Workers Compensation Claim.

In some cases, your conduct might also be scrutinised, even though you are the victim of workplace violence. Your employer might say that you caused or contributed to the incident. In some cases, external bodies such as the Disability Services Commissioner, the Australian Health Practitioner Regulation Agency or even the police may conduct their own investigations. If such investigations commence, it is vital that you seek immediate assistance from HACSU and/or Slater and Gordon.

How can Slater and Gordon help me?

Slater and Gordon have expert lawyers located in each of our 16 offices across Victoria. We can help you at any stage of your claim. We can make sure your rights are protected. To access this advice, please contact the HACSU Assist team on 1300 651 931 in the first instance who can provide you with a priority referral to Slater and Gordon.

As a client of Slater and Gordon, you will also have access to our free in-house social work service contact us to put you in touch with relevant organisations to discuss financial or mental health assistance.

This article was submitted by Robert Auricchio, a Senior Associate in Slater and Gordon's Victorian Union Services team based in our Melbourne office. Robert commenced at the firm in 2009, and is experienced in Family, Criminal and Employment Law.

Slater and Gordon have proudly served HACSU and its members for many years. We provide discounted legal services and benefits to HACSU members in the following areas:

- Workers Compensation
- Motor Vehicle Accident Claims
- Asbestos Claims
- Superannuation and Disability Claims
- Medical Law
- Public and Product Liability
- Estate Litigation
- Industrial and employment law

We also offer exclusive services to HACSU members in the following areas:

- Wills and Estate Planning
- Family Law
- Criminal Law

To access these discounted services*, contact the HACSU Assist team on 1300 651 931 today, who will arrange a priority referral to Slater and Gordon.

*Conditions apply. See www.slatergordon.com.au for details.