

# GENDERED VIOLENCE HSR RISK ASSESSMENT TOOL

**Employers have a legal duty under the 2004 Victorian OHS Act to provide all workers with a healthy and safe working environment - and the Act has as a definition on 'health' that includes psychological health. Therefore, ensuring that the workplace is free from GV is part of that employer duty.**

In order to stop GV at work, HSRs need to start raising GV as an OHS issue with their employer! HSRs can do this through two ways:

- 1. Through consultation with your employer (s35 & s36); Or**
- 2. Through the Health and Safety Committee (HSC) (s72(3)). If you don't have one, request the establishment of one (s58 (1)(c)).**

Once your employer is aware that GV is a potential OHS risk that can cause serious injury, you can start using your HSR powers to raise these GV risks to your employer and ensure they are complying with their OHS duty to eliminate and control the GV risks and hazards at your workplace. Below is a table of common GV risks at workplaces; what your employer should be doing to minimise or control the risks; how members of your DWG can take action; and what you as an HSR can do to support the actions of your DWG and ensure your employer is controlling or eliminating these GV OHS risks\*. All of the sections of the Act and regulations referenced in this tool relate to the duty of the employer to provide and maintain for employees a working environment that is safe and without risks to health.

Tip: If your employer is not responding to, or listening to any of the below suggested HSR actions, take the issue/s to your employer for resolution according to agreed issue resolution procedure (s58(2)(d), s73). If there are no agreed procedures at your workplace, then follow the procedures as prescribed in the Regulations (Regulations 22-25). If this doesn't work, issue a PIN to your employer for failure to consult (s60).

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*\*This GV Risk Assessment Tool for HSRs is a modified version of the GV Risk Assessment Tool created by VTHC's We Are Union Women's Team that can be found in their Stop GV Campaign Kit, available through this link: <https://www.unionwomen.org.au/stopgvresources>*



Risk	Prevention	Our Action	HSR Action	Which section of the Victorian OHS Act or Regulations
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## WORK ENVIRONMENT

<p>A workplace culture that tolerates or promotes sexist, racist, homophobic and other discriminatory attitudes or behaviours.</p>	<p><b>Employers should:</b></p> <p>Ensure that the workplace is diverse by hiring and promoting a broad range of people including women, women, gay, lesbian, bisexual, transgender people and queer people.</p>	<p>We call it out! We challenge behaviours and language that are sexist, racist or homophobic</p> <p>If we think someone is perpetrating GV in our workplace we report it to workplace leaders and / or union representatives.</p>	<p>At the HSC, raise the need to establish a diverse hiring policy with dedicated numbers/ positions for the representation of women and LGBTQI people at your workplace.</p> <p>You can also facilitate the representation of diverse people at work by seeking to ensure that the employee representatives on the committee include women and LBTQI people.*</p> <p><i>*The Act says that where practicable, the employee reps on the HSC should be HSRs or Deputy HSRs.</i></p>	<p><b>Section 21</b></p> <p><b>Section 58 (2)(d)</b></p> <p><b>Section 72 (3)(b)</b></p> <p><b>Section 72 (2)</b></p>
<p>Violent and aggressive behaviour that is supported, accepted and rewarded. For example, workplaces where using tough negotiating techniques and offensive language to get outcomes is rewarded. Celebrating characteristics like competitiveness and dominance over collaboration and communication.</p>	<p><b>Employers should:</b></p> <p>Reconsider the way they advertise jobs, promote and value workers;</p> <p>Establish and encourage practices, behaviours and work relationships based on respect;</p> <p>Actively identify and reward practices and behaviours that challenge aggressive workplace cultures and model respectful, alternative work styles.</p>	<p>We model the behaviour that we want to see by ensuring that our workplace and union practices are respectful, value diversity and challenge aggressive and violent behaviour. For example, not using sexist, violent or aggressive language at union rallies, seminars, work events, and functions.</p>	<p>At the HSC, develop standards and procedures for language and behaviour at the workplace to ensure the workplace is respectful and without risk to health and safety. Coordinate with management on how these policies and procedures will be developed and communicated to all employees, including members of your DWG, and where relevant, to people outside the organisation</p>	<p><b>Section 58 (2)(d)</b></p> <p><b>Section 72 (3)(a)(b)</b></p>

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<p>Facilities and equipment that don't meet the needs of staff. For example, inadequate uniform or no appropriate toilet facilities for women or gender-neutral bathrooms for transgender people</p>	<p><b>Employers should:</b></p> <p>Ensure that workplaces have safe, appropriate toilet facilities that accommodate all workers regardless of their gender or identity</p> <p>Provide uniforms that come in all shapes and sizes and ensure that uniforms and uniform policies don't make workers feel uncomfortable or unsafe</p>	<p>We respectfully ask others if they feel uncomfortable or unsafe due to lack of facilities or equipment and take them seriously if they do;</p> <p>We actively identify problems with facilities and equipment and report to workplace leaders to resolve even if we don't currently work with women or people who identify as transgender.</p>	<p>Remind your employer of their duty under the Act to provide adequate facilities for the welfare of employees.</p> <p>Raise the need to implement gender neutral toilets at the HSC according to the number of members in your DWG- regardless of gender identity.</p> <p>Point out at the HSC that current uniforms and related policies don't meet the welfare of all employees and that in order to control the risk, new uniforms are required. At the HSC, a new policy on these new uniforms must be developed and communicated to employees.</p>	<p><b>Section 21 (2)(d)</b></p> <p><b>Section 58 (2)(d)</b></p> <p><b>Section 72 (3)(b)</b></p> <p><b>Section 72 (3)(a)</b></p>
<p>Offensive material in the workplace. For example, pornography and sexist or homophobic items, including: calendars, magazines, posters clothing and novelty items.</p>	<p><b>Employers should:</b></p> <p>Have clear policies and standards outlining what is appropriate to bring into the work environment;</p> <p>Ensure that workplace leaders show strong, visible support of the policy and implementation.</p>	<p>We call it out! Together with the other people we work with we ask the owner to take it down;</p> <p>We report any offensive material to workplace leaders and / or union representatives.</p>	<p>At the HSC, raise the issue of offensive material being used/displayed and condoned at the workplace. Coordinate with management on creating new policies and procedures that clearly state what appropriate materials can be used at the workplace, as well as reporting procedures for employees who come across offensive materials.</p> <p>Ensure the employer arranges for all such material to be removed.</p> <p>Ensure the employer communicates these new procedures and policies clearly to all members of the DWG.</p>	<p><b>Section 21</b></p> <p><b>Section 58 (2)(d)</b></p> <p><b>Section 72 (3)(a)(b)</b></p>

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<p>Workplaces which service alcohol. For example, licenced venues such as pubs and restaurants.</p>	<p><b>Employers should:</b></p> <p>Have a zero-tolerance policy which includes the removal of people from the venue if they perpetrate GV against staff or other patrons;</p> <p>Have a strong and clear GV policy and make sure that it is communicated effectively in the workplace to staff, managers, clients / customers and external site visitors;</p> <p>Provide complaints and grievance handling processes that efficiently deal with instances of GV and don't blame or further harm the victim.</p>	<p>We report incidents of GV and take immediate action to ensure the health and safety of each other;</p> <p>We support each other and if someone we work with experiences GV we ensure that they have access to support services and counselling.</p>	<p>If your workplace has a zero-tolerance policy, check the policy through consultation with your employer to ensure it has clear procedures and guidelines for the employer on how to communicate the no tolerance policy to patrons/clients, as well as handling instances of GV and grievance and support procedures.</p> <p>If your workplace does not have a formal zero tolerance policy, raise the need for the development and implementation of one through the HSC. Ensure the policy includes clear procedures for reporting GV against staff or other patrons/ clients including grievance procedures; access to support services and counselling; as well as clear procedures on what the employer will do to ensure instance of GV are appropriately handled without blaming the victim; and that perpetrators of GV are removed from the venue.</p> <p>Ensure the employer communicates these procedures and policies effectively and clearly to employees and patrons/ clients.</p>	<p><b>Sections 35 &amp; 36</b></p> <p><b>Regulation 21 (how HSRs are to be 'involved')</b></p> <p><b>Section 58(2)(d)</b></p> <p><b>Section 72 (3)(a)(b)</b></p>
<p>Work functions where alcohol is served such as work Christmas parties.</p>	<p><b>Employers should:</b></p> <p>Make sure that alcohol is served responsibly;</p> <p>Set strong expectations about appropriate behaviour to make sure that all workers feel comfortable and safe;</p> <p>Appoint a trained GV contact person (this could be the Health &amp; Safety Representative) who workers can go to if they are feeling uncomfortable or unsafe.</p>	<p>We report incidents of GV and take immediate action to ensure the health and safety of each other;</p> <p>We support each other and if someone we work with experiences GV we ensure that they have access to support services and counselling.</p>	<p>Remind your employer that their duty to provide and maintain a working environment that is safe and without risks to health also extends to work related functions outside of the workplace. This may mean having clear policy/guidelines on the consumption of alcohol at work functions.</p> <p>Point out to your employer that part of that duty is the duty to provide information, instruction and training to employees to perform their work in a way that is safe and without risk. Inform your employer that this extends to providing a trained GV contact person, as well as workplace procedures for reporting GV and accessing support services.</p>	<p><b>Section 21</b></p> <p><b>Section 21(2)(e)</b></p>

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## THE WAY WORK IS DESIGNED AND MANAGED

<p>Roles and positions are strongly gender segregated. For example, workplaces where all or most administration staff are women and all or most technical and operational staff are men.</p>	<p><b>Employers should:</b></p> <p>Ensure that the workplace is diverse by hiring and promoting women, gay, lesbian, bisexual, transgender people and queer people across administrative and technical roles;</p> <p>Ensure that the way technical / operational roles are structured doesn't discriminate against women, people who identify as gay, lesbian or transgender. For example, allowing technical / operational staff to work part-time to provide flexibility for women or people with caring responsibilities to occupy those roles and bring gender diversity to systems of work in the workplace</p>	<p>We make sure that everyone gets a fair go! We talk to the people we work with about the makeup of our workplace and raise issues with workplace leaders / union representatives.</p>	<p>Remind your employer they have a duty to provide or maintain systems of work that are safe and without risk to health, including GV.</p> <p>If you or your DWG have identified GV risks in the systems of work, raise the issue to your employer via consultation. For example, negotiating more flexible working arrangements, including part - time and flexible shift arrangements for roles that are traditionally male dominated may be a way of increasing diversity in the workplace by providing an opportunity for women and gender diverse people with caring responsibilities to occupy those roles.</p>	<p><b>Section 21(2)(a)</b></p> <p><b>Sections 35 &amp; 36</b></p> <p><b>Regulation 21 (how HSRs are to be 'involved')</b></p>
<p>Management styles or workplace culture and behaviours that exclude and disrespect some workers. For example, when decisions are made or workplace 'bonding' happens at the expense of others and outside of formal work structures like at the pub or over lunch (the 'boys' club').</p>	<p><b>Employers should:</b></p> <p>Ensure that women, people who identify as gay, lesbian or transgender are in positions of leadership and represented in decision making structures and bodies;</p> <p>Ensure that leadership positions and decision-making structures and bodies don't discriminate against women, people who identify as gay, lesbian, bisexual transgender or queer.</p>	<p>We make sure that everyone gets a fair go! We promote workplace democracy and ensure that women, people who identify as gay, lesbian etc. are represented. For example, elected union representatives and consultative committees</p>	<p>You can facilitate the representation of diverse people at work by seeking to ensure that the employee representatives on the HSC includes women and LBTQI people.</p> <p>You can also seek to change the composition of your current agreed DWG to include multiple HSRs and Deputy HSRs that identify as women and LGBTQI. This must be done by negotiation and agreement with your employer.</p>	<p><b>Section 72 (2)</b></p> <p><b>Section 58 (1)(c)</b></p> <p><b>Section 44(3)</b></p>

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## WORKPLACE POLICIES AND PROCEDURES

<p>Workplace policies &amp; Procedures</p> <p>Workplace leaders are unable to adequately recognise and respond to incidents of GV.</p>	<p><b>Employers Should:</b></p> <p>Train workplace leaders so that they understand their responsibilities to proactively identify and respond to incidents of GV.</p>	<p>We ask our union for GV training especially for our union representatives such as delegates and HSRs</p>	<p>Raise the need for the HSC to formulate clear policies and procedures on how employers recognise and respond to GV. Ensure these policies and procedures are communicated effectively to all staff at all levels.</p> <p>Remind your employer of their duty to provide information, instruction and training to employees to perform their work in a way that is safe and without risk. Inform your employer that this extends to training workplace leaders in identifying and adequately responding to instances of GV. Request at the HSC that all workplace leaders receive training to accompany the new policy and procedures.</p>	<p><b>Section 58(2)(d)</b></p> <p><b>Section 72 (3)(a)(b)</b></p> <p><b>Section 21(2)(e)</b></p>
<p>Lack of appropriate reporting mechanisms for workers experiencing GV.</p>	<p><b>Employers should:</b></p> <p>Establish complaints and grievance handling processes that efficiently deal with instances of GV and don't blame or further harm the victim;</p> <p>Appoint a trained GV contact person (this could be the HSR) who is properly trained to be the point person for GV complaints, questions and concerns;</p> <p>Provide workers with information about external agencies, like the Victorian Equal Opportunity and Human Rights Commission, WorkSafe and 1800RESPECT, that can provide advice, counselling, information and referral about GV.</p>	<p>We bargain to have rights contained in our EBA (Enterprise Bargaining Agreement) to protect us from GV;</p> <p>We work together to ensure that our employer establishes and implements effective GV policies and procedures.</p>	<p>Ensure the HSC formulates complaints and grievance procedures for the workplace which ensure the victim is not further harmed. Ensure the employer makes all employees, including members of your DWG, are aware of these new procedures.</p> <p>Remind your employer of their duty provide information, training, instruction, or supervision to employees to perform their work in a way that is without risk to health and safety, including GV. This extends to providing employees with information and access to support and counselling services, as well as a trained GV contact person.</p>	<p><b>Section 58(2)(d)</b></p> <p><b>Section 72 (3)(a)(b)</b></p> <p><b>Section 21(2)(e)</b></p>

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<p>Workplace leaders who don't consult with workers and show little commitment to the health and safety of all staff.</p>	<p><b>Employers should:</b></p> <p>Fulfil their legal duty to consult with workers and HSRs about health and safety matters that could directly affect them including GV;</p> <p>Advise all workers of their OHS rights, the risk to health and safety from GV, and workplace procedures and policies for reducing that risk.</p>	<p>We ensure that we have a HSR and that they are union trained.</p>	<p>Your employer must consult with you about health and safety matters, including GV, that may affect members of your DWG. Specifically, when:</p> <ul style="list-style-type: none"> <li>• identifying/assessing hazards or risks</li> <li>• making decisions about control measures</li> <li>• making decisions on facilities</li> <li>• making decisions about procedures for resolving OHS issues;</li> <li>• consulting with employees;</li> <li>• monitoring health or workplace conditions;</li> <li>• providing information and training</li> <li>• determining membership of the health and safety committee</li> <li>• proposing changes to the workplace; plant, substances or conduct of the work.</li> </ul> <p>If your employer has not consulted with you on any of the above issues, or if you have attempted to consult with your employer on the above issues without success, take the matter further by following the agreed issue resolution procedures at your workplace, or those as prescribed in the Act or Regulations. Alternatively, you can call your union at any time, or WorkSafe.</p> <p>If you have attempted both consultation and issue resolution and nothing has happened, you can take the matter further by issuing a PIN to your employer for contravening s35 of the Act (Duty to Consult).</p>	<p><b>Section 58(2)(d)</b></p> <p><b>Section 73</b></p> <p><b>Regulations (22-25)</b></p> <p><b>Section 60</b></p>