Worker Safety and Reducing Violence

Key Points

- NDIS workers can ensure a safe and healthy workplace by promoting a positive workplace culture, assessing and responding to safety risks and incidents, understanding their rights and responsibilities and delivering quality and safe services.

- NDIS workers have an obligation to ensure a safe working environment under the NDIS Code of Conduct and the NDIS Practice Standards and Quality Indicators.

- It is important for providers and workers to understand and manage complex behaviours to help reduce the risk of worker-related violence.

- The NDIS Commission has developed a web page with resources on understanding and managing risks associated with worker related violence. (https://www.ndiscommission.gov.au/workforce/violence-against-workers)

Worker safety and reducing violence

Worker safety and wellbeing is a key part of delivering quality and safe supports to NDIS participants. To ensure worker wellbeing, it is important to identify and manage risks to worker safety, such as worker-related violence.

Worker-related violence and aggression is when a NDIS worker is abused, threatened or assaulted in their workplace or while they are working. NDIS workers can help ensure a safe and healthy workplace by:

- promoting a positive workplace culture
- assessing the safety risks to workers
- understanding rights and responsibilities in NDIS supports and services
- providing quality and safe NDIS supports and services
- taking steps to prevent and respond to incidents, including identifying and controlling risks, and worker supervision

- reporting worker-related violence
- employing effective behaviour support practices.

Making a healthy and safe workplace

Positive workplace culture

A positive workplace culture improves worker satisfaction by identifying individually shared values, belief systems and attitudes. It is essential for workplace culture to remain positive for workers and participants. Workers feel engaged and motivated, which is then reflected in their day-to-day interactions with participants. Participants can then feel safe with their workers and are able to raise or discuss issues of concern.

Assess safety risks

There are unique risk and safety issues that need to be considered when NDIS supports and services take place in a participant's home. Detailed safety assessment and planning can help avoid situations that increase the risk of a violent incident.

These self-assessment safety and risk assessment tools help you to understand the safety risks in an individual participant's home. They have been developed by SafeWork NSW but are useful to all participants and workers:

- Home safety checklist for participants to complete and share with workers (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0017/1215206/Home-safety-checklist.pdf)

- Home safety risk assessment for workers to complete and identify actions. (https://www.safework.nsw.gov.au/__data/assets/pdf_file/0018/1215207/home-safety-risk-assessment.pdf)

Understand NDIS worker and provider rights and obligations

The NDIS provider/s you work for are responsible for providing safe workplaces by protecting workers from the risk of violence and aggression.

NDIS workers have the right to feel safe when they are at work, and the right to report workplace violence to their employers, the NDIS or the NDIS Commission. As an NDIS worker, you have WHS responsibilities. This includes taking reasonable care of yourself and not to do anything that would affect the health and safety of others at work. You must follow any health and safety instruction from your employer. You also have responsibilities to:

- perform duties in a safe manner for oneself and others
- ask if you are not sure how to safely perform any aspect of the work
- if required, use Personal Protective Equipment correctly
- report all injuries and unsafe and unhealthy situations to a Manager or Employer
- comply with any reasonable instructions, policies and procedure given by a Manager or Employer

- more information at https://www.safework.nsw.gov.au/resource-library/health-care-and-social-assistance/work-health-and-safety-guidance-for-ndis-providers.

Understanding these obligations will assist you to:

- do your day-to-day work lawfully and competently
- know when a violent incident needs to be reported.

Your rights and obligations are set out in Australia's model work health and safety laws and state and territory work, health and safety legislation (https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws).

A Person Conducting a Business (PCBU) (or similar term used in Victoria) has a primary duty to ensure the health and safety of workers while they are at work and others who may be affected by the carrying out of work. NDIS participants who directly engage their workers are considered a PCBU. This means participants have a duty to ensure a safe working environment for their workers as far as is reasonably practicable. Participants must consult their workers about the health and safety issues that may directly affect them.

Workers can also ask for Health and Safety Representatives (HSRs) to assist them in discussions about work health and safety (https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/consultation/health-and-safety-representatives-and-work-groups).

Providing quality and safe supports to people with disability

Providing appropriate, safe and quality NDIS supports can help to reduce aggression or violence. The following resources will help NDIS workers understand safe and effective practices when working with NDIS participants:

- **Quality, safety and you – worker orientation.** An NDIS Commission online learning module about the NDIS Code of Conduct (the Code) and workers obligations under the Code (https://training.ndiscommission.gov.au/course/index.php?categoryid=2).

- **New worker – NDIS induction module.** An NDIS Commission online learning module for new NDIS workers (https://training.ndiscommission.gov.au/course/index.php?categoryid=3).

- **How to deliver an NDIS service.** An Online learning module on how to provide good and safe service (https://learningplace.s3.ap-southeast-1.amazonaws.com/content/index.html#/lessons/JDEmwmsX599gkaYDB27_2w-2JgScJME2).

- **Workforce capability.** A Guide to attitudes, skills and knowledge required for NDIS work (https://workforcecapability.ndiscommission.gov.au/framework/level#gen_ourRelationship_0_0).

◆ **Supporting effective communication**. An NDIS Commission online learning module about effective communication with NDIS participants (https://training.ndiscommission.gov.au/course/index.php?categoryid=4).

◆ **NDIS Code of Conduct**. The NDIS Code of Conduct helps providers, key personnel and workers respect and uphold participants rights to access safe and ethical supports and services, by defining expected conduct, behaviour and culture. (https://www.ndiscommission.gov.au/rules-and-standards/ndis-code-conduct).

◆ **NDIS Practice Standards**. The NDIS Practice Standards specify the quality standards to be met by registered NDIS providers to provide supports and services to NDIS participants (https://www.ndiscommission.gov.au/rules-and-standards/ndis-practice-standards).

◆ **High intensity support skills descriptors**. The descriptors which describe the skills and knowledge that NDIS providers should make sure their workers have when supporting participants with high intensity daily personal activities (https://www.ndiscommission.gov.au/rules-and-standards/ndis-practice-standards/supplementary-module-high-intensity-daily-personal#paragraph-id-8163).

NDIS worker obligations

NDIS workers have an obligation to ensure a safe working environment under the NDIS Code of Conduct and the NDIS Practice Standards and Quality Indicators.

NDIS Code of Conduct

The NDIS Code of Conduct helps providers, key personnel and workers respect and uphold participants rights to access safe and ethical supports and services, by defining expected conduct, behaviour and culture.

All support workers must comply with the National Disability Insurance Scheme (Code of Conduct) Rules 2018 (Code) and understand and apply the Code in the course of their daily work.

The Code requires, workers and providers who deliver NDIS supports to:

◆ *provide supports and services in a safe and competent manner with care and skill*

◆ *act with integrity, honesty, and transparency*

◆ *promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability*

◆ *take all reasonable steps to prevent and respond to all forms of violence against, exploitation, neglect, and abuse of people with disability*

◆ *take all reasonable steps to prevent and respond to sexual misconduct*

More information can be found via this link: https://www.ndiscommission.gov.au/about/ndis-code-conduct.

The NDIS Practice Standards and Quality Indicators

The NDIS Practice Standards and Quality Indicators specify the quality standards to be

met by **registered** NDIS providers and workers who provide supports and services to NDIS participants (https://www.ndiscommission. gov.au/providers/registered-ndis-providers/ provider-obligations-and-requirements/ndis-practice-standards).

Workers engaged by registered NDIS providers **must** demonstrate compliance with the NDIS Practice Standards, including:

Risk Management

◆ Workers provide supports and services in a way that is consistent with the provider's documented risk management system, including in incident, complaints, emergency and disaster management.

Incident Management

◆ Workers are aware of, trained in, and compliant with the required procedures in relation to incident management.

Emergency and Disaster Management

◆ Workers are trained in the implementation of participant's emergency and disaster management plan.

Provision of Supports Environment

◆ Work is undertaken with each participant, and others, in settings where supports are provided (including their home), to ensure a safe support delivery environment for them.

Preventing and responding to worker-related violence

Both NDIS providers and workers must follow the processes to prevent and respond to worker related violence.

Reporting incidents of worker-related violence helps NDIS providers to understand the current risks, effectively plan and reduce those risks, and prevent future incidents.

◆ **Preventing workplace violence and aggression guide.** SafeWork Australia Guide on how to manage the risk of violence and aggression in the workplace (https://www.safeworkaustralia.gov.au/ doc/preventing-workplace-violence-and-aggression-guide).

◆ **Workplace violence and aggression – advice for workers.** SafeWork Australia factsheet which provides advice for workers under Work Health and Safety laws and what to do if workers experience workplace violence or aggression (https://www.safeworkaustralia.gov.au/ doc/workplace-violence-and-aggression-advice-workers).

◆ **Work health and safety guidance for NDIS participants.** Information for NDIS participants about their role and responsibilities under NSW Work, Health and Safety law (https://www.safework. nsw.gov.au/resource-library/health-care-and-social-assistance/work-health-and-safety-guidance-for-ndis-participants#par ticipants-as-pcbus).

- **Managing complaints – for providers**. NDIS Commission advice about manage and responding to complaints (https://www.ndiscommission.gov.au/providers/complaints-and-incidents/managing-complaints).

- **Supervising for capability.** Tools and resources for supervising NDIS workers, keeping them safe, and improving the supports or services they provide (https://workforcecapability.ndiscommission.gov.au/tools-and-resources/supervision-capability).

Positive behaviour support

People with a disability may need extra support to express their wants and needs. It's important to check if the participant you are working with has a Positive Behaviour Support plan.

Behaviour support is about creating individualised strategies for people with disability that are responsive to the person's needs, in a way that reduces and eliminates the need for the use of regulated restrictive practices.

Behaviour support focuses on evidence-based strategies and person-centred supports that address the needs of the person with disability and the underlying causes of behaviours of concern, while safeguarding the dignity and quality of life of people with disability who require specialist behaviour support.

Under the NDIS Practice Standards and Quality Indicators, each Behaviour Support Practitioner undertakes professional

development to maintain an understanding of practices considered restrictive and the risks associated with those practices.

When providers and workers understand complex behaviours and the tools available to manage them, they can reduce the risk of worker-related violence. The following resources provide further information about behaviour support:

- Understanding behaviour support and restrictive practices – for providers
- Positive behaviour support capability framework
- Reporting the use of regulated restrictive practices
- Self-Assessment Resource Guide

More information available at https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices.

Resources

State and Territory Resources on worker safety and worker related violence

New South Wales

Assess safety risks:

◆ Disability support (https://www.safework. nsw.gov.au/your-industry/health-care- and-social-assistance/disability-support)

◆ Managing the risks of workplace violence in the disability sector (https://www.youtube. com/watch?v=0XST2NbIidY)

Understand NDIS provider and worker rights and obligations:

◆ Work health and safety guidance for NDIS platform providers (https://www.safework.nsw.gov.au/ resource-library/health-care-and-social- assistance/work-health-and-safety- guidance-for-ndis-platform-providers)

◆ Work health and safety guidance for NDIS providers (https://www.safework.nsw. gov.au/resource-library/health-care-and- social-assistance/work-health-and-safety- guidance-for-ndis-providers)

◆ Work health and safety guidance for NDIS participants (https://www.safework.nsw. gov.au/resource-library/health-care-and- social-assistance/work-health-and-safety- guidance-for-ndis-participants) – when a participant is a PCBU (https://www. safework.nsw.gov.au/about-us/glossary/ glossary-acordion/pcbu).

Prevent and respond to worker- related violence:

◆ Violence in the workplace guide (https://www.safework.nsw.gov. au/resource-library/violence- workplace-guide)

New South Wales contact details

◆ SafeWork NSW (www.safework.nsw.gov.au/contact-us)

Queensland

Assess safety risks:

◆ A guide to working safely in people's homes (https://www.worksafe.qld.gov. au/__data/assets/pdf_file/0012/22233/ community-working-safely-in- peoples-homes.pdf)

Understand NDIS provider and worker rights and obligations:

◆ Work-related violence: Your rights, crime and the law (https://www.qld.gov.au/law/ crime-and-police/victims-and-witnesses- of-crime/financial-assistance/types-of- claims/work-related-violence)

Prevent and respond to worker- related violence:

◆ Preventing and responding to work-related violence (https://www.worksafe.qld.gov. au/__data/assets/pdf_file/0022/20299/ preventing-respond-work-violence.pdf)

◆ Prevention and management of work- related violence and aggression in health

services (https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0021/21639/prevention_management_health_services.pdf)

◆ Violence and aggression incident investigation tool (https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0022/24556/violence-and-aggression-incident-investigation-tool.pdf)

◆ Work-related violence and aggression in residential aged, disability and youth care (https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0020/87005/Work-related-violence-and-aggression-in-residential-youth-disability-care.pdf)

Queensland contact details

◆ WorkSafe Queensland (https://www.worksafe.qld.gov.au/contact)

◆ Queensland Government (https://www.qld.gov.au/contact-us)

Victoria

Positive workplace culture:

◆ How leadership and culture can help control the risk of work-related violence (https://www.worksafe.vic.gov.au/how-leadership-and-culture-can-help-control-risk-work-related-violence)

Assess safety risks:

◆ Work-related violence: A guide for employers (https://www.worksafe.vic.gov.au/work-related-violence-guide-employers)

◆ Managing the risk of work-related violence (https://www.worksafe.vic.gov.au/managing-risk-work-related-violence)

◆ Develop and implement strategies to protect employees (https://www.worksafe.vic.gov.au/workwell-toolkit-violence-and-aggression)

◆ Work-related violence risk control measures selection tool (https://www.worksafe.vic.gov.au/resources/work-related-violence-risk-control-measures-selection-tool)

◆ Psychosocial hazard fact sheet: Work-related violence (https://www.worksafe.vic.gov.au/resources/psychosocial-hazard-fact-sheet-work-related-violence)

◆ Research project on work-related violence in the disability accommodation sector (https://nds.org.au/news/report-shows-actions-to-address-work-related-violence-in-disability-accommodation)

◆ Employee psychosocial fact sheet: Work-related violence (https://www.worksafe.vic.gov.au/resources/employee-psychosocial-fact-sheet-work-related-violence)

Understand NDIS provider and worker rights and obligations:

◆ Work-related violence and occupational health and safety laws (https://www.worksafe.vic.gov.au/work-related-violence-and-occupational-health-and-safety-laws)

◆ Work-related violence: Information for workers (https://www.worksafe.vic.gov.au/work-related-violence-information-workers)

Prevent and respond to worker-related violence:

◆ Preventing and responding to work-related violence tipsheet

(https://www.worksafe.vic.gov.au/resources/workwell-preventing-and-responding-work-related-violence-tipsheet)

- Responding to work-related violence (https://www.worksafe.vic.gov.au/responding-work-related-violence)

- Aggression and violence prevention policy example (https://www.worksafe.vic.gov.au/resources/aggression-and-violence-prevention-policy)

- Report a psychosocial hazard (https://www.worksafe.vic.gov.au/report-psychosocial-hazard)

Victorian work health and safety legislation

Victoria doesn't use the term Person conducting a business or undertaking (PCBU), however there are similar duties and responsibilities under Victoria's WHS legislation that are relevant to NDIS providers. Under the Victorian Occupational Health and Safety Act 2004, an employer includes:

- a person
- a company
- partnerships
- unincorporated associations
- franchising operations
- not-for-profit organisations.

Under the Act, employers such as NDIS providers are required to provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable. More information

at https://www.worksafe.vic.gov.au/occupational-health-and-safety-your-legal-duties.

Victoria contact details

- WorkSafe Victoria (https://www.worksafe.vic.gov.au/)
- Health Translations (https://www.healthtranslations.vic.gov.au/contact-us)

South Australia

Assess safety risks:

- How to manage work health and safety risks: Code of Practice (https://www.safework.sa.gov.au/__data/assets/pdf_file/0007/136267/How-to-manage-work-health-and-safety-risks.pdf)

Prevent and respond to worker-related violence:

- Preventing and responding to work-related violence (https://www.safework.sa.gov.au/__data/assets/pdf_file/0008/136358/Preventing-and-responding-to-work-related-violence.pdf)

- Violence (https://www.safework.sa.gov.au/workers/health-and-wellbeing/violence)

South Australia contact details

- SafeWork SA (https://www.safework.sa.gov.au/)

Tasmania

Assess safety risks:

◆ Hazards and Solutions: Violence (https://worksafe.tas.gov.au/topics/Health-and-Safety/hazards-and-solutions-a-z/hazards-and-solutions-a-z-pages/v/violence)

Understand NDIS provider and worker rights and obligations:

◆ Occupational Violence and Aggression (https://www.dpac.tas.gov.au/divisions/ssmo/workplace_health_and_safety/occupational_violence_and_aggression)

Tasmania contact details

◆ Worksafe Tasmania (https://worksafe.tas.gov.au/contact)

◆ Department of Premier and Cabinet (https://www.dpac.tas.gov.au/department/contact)

Western Australia

Assess safety risks:

◆ Aggression in the workplace risk management toolkit (https://www.worksafe.wa.gov.au/aggression-workplace-toolkits-and-information-resources)

Understand NDIS provider and worker rights and obligations:

◆ Code of practice – Violence and aggression at work (https://www.worksafe.wa.gov.au/publications/code-practice-violence-and-aggression-work)

◆ Violence and aggression – for employers (https://www.worksafe.wa.gov.au/violence-and-aggression)

Prevent and respond to worker-related violence:

◆ Preventing and managing occupational aggression presentation (https://www.worksafe.wa.gov.au/publications/preventing-and-managing-occupational-aggression-powerpoint-presentation)

◆ Aggression in the workplace – response (https://www.worksafe.wa.gov.au/aggression-workplace-response)

◆ Developing an aggression in the workplace prevention policy fact sheet (https://www.worksafe.wa.gov.au/publications/fact-sheet-developing-aggression-workplace-prevention-policy)

Western Australia contact details

◆ WorkSafe WA (https://www.worksafe.wa.gov.au)

Australian Capital Territory

Positive workplace culture:

Work-related violence posters:

◆ Work-related violence sounds like… (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0004/2091766/Work-Related-Violence-Sounds-Like.pdf)

◆ Violence and aggression sounds like… (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0005/2516801/violence-and-aggression-sounds-like.pdf)

Assess safety risks:

Safety checklists:

◆ Workplace violence (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0008/1635596/Checklist015-Workplaceviolencechecklist.pdf)

◆ Risk management (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0010/1635598/Checklist016-Riskmanagementchecklist.pdf)

Prevent and respond to worker-related violence:

◆ Work-related violence (https://www.worksafe.act.gov.au/health-and-safety-portal/safety-by-industry/health-and-community-services/occupational-violence)

Australian Capital Territory contact details

◆ WorkSafe ACT (https://www.worksafe.act.gov.au/contact-us)

Northern Territory

Assess safety risks:

◆ Addressing workplace violence and aggression (https://worksafe.nt.gov.au/forms-and-resources/bulletins/addressing-workplace-violence-and-aggression)

Understand NDIS provider and worker rights and obligations:

◆ PCBU duties (https://worksafe.nt.gov.au/safety-and-prevention/workplace-mental-health/pcbu-duties)

◆ Positive duty (https://worksafe.nt.gov.au/safety-and-prevention/workplace-mental-health/positive-duty)

Prevent and respond to worker-related violence:

◆ Work-related violence (https://worksafe.nt.gov.au/safety-and-prevention/workplace-mental-health/work-related-violence)

◆ Employee assistance (https://ocpe.nt.gov.au/working-in-the-public-sector/support-and-counselling/domestic-family-and-sexual-violence/employee-assistance)

Northern Territory contact details

◆ NT WorkSafe (https://worksafe.nt.gov.au/contact-us)

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