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REPORTING AND NOTIFICATION OF OCCUPATIONAL HEALTH AND SAFETY INCIDENTS ARISING OUT OF BULLYING AND HARASSMENT

This DEFGRAM replaces DEFGRAM 462/2008—*Unacceptable behaviour reporting to Comcare* which is now withdrawn.

Comcare, the Commonwealth Government agency responsible for regulating the *Occupational Health and Safety Act 1991* (the OHS Act) conducted a 'Whole of Agency' investigation in October 2007 into the systems that Defence has in place to prevent workplace bullying. A recommendation arising from the investigation is that workplace bullying incidents are to be notified to Comcare under section 68 of the OHS Act as they have the potential to cause incapacity, serious personal injury or, in extreme cases, death. Defence is committed to eradicating bullying in the workplace and is cooperating with Comcare to implement this recommendation.

In advance of the revision of *Defence Instruction (General) (DI(G)) PERS 35–3—Management and Reporting of Unacceptable Behaviour* and *Defence Safety Manual (SAFETYMAN)*, volume 1, part 1, *chapter 9*—'Notification and Reporting of Occupational Health and Safety Incidents', this DEFGRAM provides guidance on the reporting of workplace bullying and harassment incidents.

Bullying and harassment complaints are managed under the unacceptable behaviour provisions of *DI(G) PERS 35–3*, and are reported using *Form AC 875*. As part of managing a complaint, a Quick Assessment is conducted in accordance with *DI(G) ADMIN 67–2—Quick Assessment*.

The Quick Assessment is also to determine if reporting to the Defence Occupational Health and Safety Branch (OHS Branch) and Comcare, using *Form AC 563—Defence OHS Incident Report*, is appropriate through consideration of whether the incident:

- occurred at work¹; and
- resulted in a death, serious personal injury, incapacity or dangerous occurrence.²

Commanders/Managers must report OHS incidents to OHS Branch and notify Comcare within the required time frames on becoming aware that a bullying/harassment incident has given rise to an OHS incident. This time frame will generally commence on the receipt by the Commander or Manager of a Quick Assessment confirming the incident consequences and causal factors. Further guidance on requirements for reporting of OHS incidents to OHS Branch, and notification to Comcare, is available on the Defence OHS website (<http://ohsc.defence.gov.au>).

DI(G) PERS 35–3 provides guidance on the legislated privacy and confidentiality requirements when investigating, managing and reporting unacceptable behaviour. Commanders and Managers are to familiarise themselves with the provisions of this instruction to ensure discreet handling of incidents and that any investigations are not compromised.

In the reporting of OHS incidents that arise out of bullying and harassment, processes have been established to ensure sensitive information is only handled by a small number of authorised personnel and the privacy of individuals concerned is not compromised, including:

- *Form AC 563* reports to OHS Branch are to be highly visibly marked as Limited Distribution (LIMDIS) and will be received, treated and managed accordingly.

1 Australian Defence Force members, Australian Public Service employees and External Service providers are taken to be at work when performing work in connection with Defence's activities, whether or not the work is carried out at a Defence workplace.

2 A dangerous occurrence is an incident that could have caused a death, serious personal injury or incapacity but did not.

- OHS Branch will enter bullying and harassment incidents into a separate database where details are only accessible by specifically authorised users.
- OHS Branch has established standard processes for the coding and entry of incident details.

DI(G) PERS 35-3 and the SAFETYMAN volume 1 will be revised in due course to incorporate the contents of this DEFGRAM.

Further information can be obtained by contacting the OHS email: ohsc.dspp@defence.gov.au, the Defence Equity Advice Line 1800 803 831 or the equity advice email: equityadvice@defence.gov.au.



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