



Workplace Equity and Harassment Officers

Human Resources Policy

Effective Date: May 2008

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ATTACHMENT ONE: How a WEHO Operates

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1 PURPOSE

To define the role of the Workplace Equity Harassment Officer (WEHO) and outline the principles for operation of the WEHO Network including selection of individual WEHOs.

2 APPLICATION

This policy applies to all Queensland Health employees.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The “delegate” is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Public Sector Ethics Act 1994*
- *Anti-Discrimination Act 1991*
- *Workplace Health and Safety Act 1995*
- *Crime and Misconduct Act 2001*
- Queensland Health Code of Conduct
- Guide for the Resolution of Informal Complaints at Local Level
- Workplace Harassment HR Policy

6 SUPERSEDES

- IRM 3.1-6 Workplace Equity & Harassment Officers – (WEHO)

7 POLICY

7.1 Queensland Health Commitment to Workplace Free of Harassment

Queensland Health is committed to creating and maintaining a work environment which values diversity and promotes employee health and well-being. Queensland Health aims to maintain an environment for patients, clients, visitors and employees safe and free of any form of harassment and other behaviours which can physically or psychologically harm, intimidate, degrade or humiliate a person.

7.2 Purpose of the Workplace Equity and Harassment Officers' (WEHO) Network

The Workplace Equity and Harassment Officers' (WEHO) Network assists Queensland Health in proactively addressing issues of inequity, harassment and discrimination in the workplace.

The WEHO network provides all employees with access to trained WEHOs who:

- Act as a confidential source of information in relation to the:
 - Available options for resolving complaints of any form of harassment or discrimination.
 - Rights and responsibilities of all affected parties.
- Provide an active support role to:
 - a complainant
 - an alleged offender.
- Provide general guidance and assistance to managers.
- Collect statistical information in relation to Equal Employment Opportunity (EEO) related activities.
- Participate in the promotion of the WEHO Network in the workplace.

7.3 Role of the WEHO

The role of the WEHO is to confidentially:

- Provide assistance to an employee wishing to make a complaint, in an information giving and support (not advocacy) capacity.
- Provide an employee wishing to make a complaint, with information on formal and informal resolution options.
- Provide information on resolution options and resources available for managers.
- Provide information to employees/persons accused of harassment regarding the processes involved during investigation.
- Provide non-identifying statistics to the officer responsible for collation of EEO related data by completing the WEHO Report (refer to Attachment 4).
- Assist in conducting harassment and equity awareness training programs.
- Promote awareness of the WEHO Network within the workplace.

The role of the WEHO does not include:

- Making decisions for an employee/person wishing to make a complaint.
- Attempting to influence an employee/complainant into taking or not taking a particular course of action.
- Acting as an advocate on behalf of an employee/person who wishes to make or has made a complaint.
- Conducting an investigation into a complaint.
- Confronting the employee/person whose conduct has been reported.
- Monitoring the work environment for instances of behaviour that do not meet the prescribed standards.
- Counselling distressed or anxious staff.

7.4 Confidentiality

The issue of confidentiality does not apply when official misconduct or criminal activity is suspected or alleged to have occurred. In these situations, the WEHO is legally obliged to report the alleged incident to the District Manager, Branch Director, HR Manager or the Ethical Standards Unit (ESU).

The WEHO is required to clearly outline this obligation at the first point of contact with an employee (refer to Attachment One).

A WEHO will be instructed on how to recognise behaviours or actions that may constitute official misconduct or criminal activity (which may include theft, assault or fraud).

8 APPLYING THE POLICY

8.1 Recruitment for the Role of WEHO

8.1.1 Call for Nominations

The health service district/Corporate Office is to call for nominations from persons interested in acting in the role of a WEHO.

Nominations are to be called at the discretion of the health service district/Corporate Office EEO/WEHO Coordinator (or equivalent). The demand for WEHO services, turnover rates for WEHOs and any other relevant circumstances are to be considered.

8.1.2 Nominee Responses

Employees interested in becoming a WEHO should discuss their interest with their manager.

Employees are required to submit a Workplace Equity and Harassment Nomination/Renomination form (refer to HR forms on QHEPS) which includes the requirement for manager/supervisor support of the nomination. The manager/supervisor is to review the selection criteria for a WEHO (refer to HR forms on QHEPS) and indicate that the employee meets the selection criteria. It is essential that nominations have the support of managers/supervisors.

Completed nominations are to be lodged with the EEO/WEHO Coordinator or equivalent.

8.1.3 Health Service District/Corporate Office Selection Process

The EEO/WEHO Coordinator or equivalent is to validate the information provided in the nomination through some formal process eg interview, work sample, role play. This validation is to be conducted against the selection criteria for the role of WEHO.

Successful and unsuccessful nominees are to be advised of the results of the selection process. Successful nominees are to then satisfactorily complete a WEHO training program to be formally recognised to operate as a WEHO for a period determined by the relevant employing facility. The determination of 'satisfactory completion' is the responsibility of the WEHO Coordinator in consultation with the nominated WEHO trainer (where appropriate).

8.1.4 Health Service District Consultative Forum/Corporate Office Consultative Forum – Endorsement of Nominees

A list of selected nominees is to be made available to the relevant local Consultative Forum for information purposes before the selected nominees participate in WEHO Training.

8.1.5 Renomination of Existing WEHOs

All WEHOs are required to re-nominate for recognition as a member of the WEHO network at intervals determined by the employing facility.

Existing WEHOs:

- Will be required to complete the nomination form including evidence of continued support from the manager.
- Will be required to attend other WEHO network meetings.
- Will not be required to undertake further validation processes as outlined above except in exceptional circumstances.
- Will not be required to re-attend basic qualifying WEHO training. They should participate in refresher courses when available.

8.2 Removing WEHOs from the Register

WEHOs may be withdrawn from active participation in the WEHO network when:

- Workplace behaviour of the WEHO is deemed to contravene the Code of Conduct.
- An inappropriate breach of confidentiality by the WEHO is proven.
- The WEHO has failed to comply with designated WEHO protocols, including reporting requirements.
- When the WEHO fails to participate in WEHO activities without a valid reason.
- Requested by the WEHO.
- Requested by the WEHO's manager/supervisor e.g. when a WEHO changes roles.
- The WEHO resigns from Queensland Health.

When it is intended to remove a WEHO from the Register, the District Manager/Branch Director or their representative will notify the WEHO in writing of the proposal. The notification is to:

- Include the reasons for the proposed removal from the Register.
- Provide the WEHO with the opportunity to respond to those reasons.
- Invite the WEHO to submit any other information they may consider relevant.

A WEHO is entitled to lodge a grievance against any decision to remove them from the Register, utilising approved grievance procedures. When the grievance remains unresolved, the WEHO may refer the matter to the Public Service Commissioner for a Fair Treatment Appeal.

8.3 Record Keeping

WEHOs are required to complete the WEHO Report (refer to HR forms on QHEPS) when they are contacted by a complainant or alleged respondent for advice.

The statistical and non-identifying data is to be forwarded to the EEO/WEHO Coordinator for collation of the Annual Summary of WEHO Reports (Refer to HR forms on QHEPS). This is to assist the organisation in identifying and developing strategies for addressing discrimination issues from a health service district/Corporate Office or statewide perspective.

8.4 Role of the EEO/WEHO Coordinator or Equivalent

The role of the EEO/WEHO Coordinator or equivalent in the health service district/Corporate Office is to:

- Maintain a register of current WEHOs.
- Co-ordinate periodic nomination, renomination and nomination validation processes.
- Co-ordinate WEHO training including basic qualifying training and ongoing WEHO support activities.
- Take action to remove WEHOs from the register if required.
- Collect WEHO Reports and collate Annual Summary of WEHO Reports.
- Analyse the data collated from the WEHO Reports and advise the health service district/Corporate Office on trends/issues of interest from the report and recommend remedial strategies if required.
- Submit the Annual Summary of WEHO Reports by 30 May of each year to the Human Resources Branch outlining any identified trends/issues of statewide interest.
- Undertake local advertising of the WEHO Network and available services throughout the health service district/Corporate Office.

8.5 Resources to be Made Available to the WEHO

Wherever possible, the following resources should be made available to the WEHO to support them in performing their role:

- Private meeting area eg existing office or other space that protects the confidentiality of meetings between the WEHO and complainants/ respondents.
- Secure area for the storage of WEHO statistical reports.
- The ability to access computer and intranet facilities to facilitate the access to relevant Queensland Health sites and resources relating to the WEHO duties.
- Other information resources on matters relevant to the role of the WEHO to assist them in providing information.

These resources are not intended to be for the sole use of WEHOs and should ideally be an existing resource somewhere close to the WEHO's workplace.

8.6 Feedback on WEHO Services

Employees, including managers, utilising the local WEHO Network should be invited to provide non-identifying feedback on the quality, relevance and the accessibility of the WEHO services and support provided. Districts may add further questions to this questionnaire to meet their specific requirements, ensuring confidentiality is maintained.

9 DEFINITIONS

WEHO	Workplace Equity and Harassment Officer
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10 HISTORY

April 2008	Developed as a result of the HR Policy Framework consolidation project.
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HOW A WEHO OPERATES

When an employee (either a complainant or a respondent) approaches a WEHO, the WEHO is required to firstly advise the employee of the parameters of the WEHO role.

The WEHO should inform the employee of their obligations with respect to misconduct. In these situations, the WEHO is legally obliged to report the alleged incident to the HR Manager, Manager or District Manager. An opening statement such as the following could be used:

“As a WEHO, I will treat any information you provide me in strict confidence, however, I am legally required to report any incident where official misconduct or criminal activity is suspected or alleged to have occurred. With this in mind do you still wish to speak to me about this matter?”

Should the employee subsequently choose not to disclose the details of their issue with the WEHO, the following options would still be available to the employee:

- pursue counselling support with Employee Assistance Service (EAS);
- contact the local Human Resource Manager for further advice;
- lodge a grievance;
- undertake mediation sponsored by the employing facility; and/or
- contact their relevant Union representatives.

When the employee elects to continue dealing with the WEHO, the WEHO will:

- Act as a source of information, detail the options for resolution available and provide support when requested.
(Note: The complainant and the respondent **must** be advised by different WEHOs.)
- Clearly define the limitations of the WEHO role, as a support and source of information about options but not an advocate or counsellor.
- Actively listen to the employee and show empathy.
- Provide information and discuss the available informal and formal options.
- When requested by the employee, the WEHO may provide follow up support after the initial contact.

Informal options include:

- Dealing with the matter individually.
- Requesting informal action from a manager.
- Taking no action.

Refer to the Guide for the Resolution of Informal Complaints at Local Level.

Formal options include:

- Lodging a grievance (refer to the Grievance Resolution HR policy).
- Lodging a complaint with the Anti-Discrimination Commission Queensland (ADCQ).
- Reporting the allegation to the Workplace Investigations Unit (WIU). WIU undertakes assessment and referral of the allegation to the Crime and Misconduct Commission (CMC) in accordance with the legislative obligations of Queensland Health outlined in Section 38 of the *Crime and Misconduct Act 2001*.
- Seeking union support.

The WEHO will recommend that the employee think about the options and their potential impacts when deciding on a course of action.

The WEHO is also responsible for capturing statistical information regarding access to their services (refer to HR forms on QHEPS). This information will be collated annually by the EEO/WEHO Coordinator or equivalent (refer to HR forms on QHEPS).

KEY SKILL REQUIREMENTS

The following skills, knowledge and personal attributes are to be demonstrated by any person seeking to become a WEHO.

SKILLS

- Ability to use effective active and reflective listening skills.
- Sound communication skills both written and verbal.
- Ability to respond with empathy in sensitive and stressful situations.
- Ability to maintain confidentiality.

KNOWLEDGE

- Ability to acquire knowledge of relevant legislation and Queensland Health Policy on matters of:
 - Equity, discrimination and harassment.
 - Resolution options available to staff and in particular Queensland Health processes.
- Awareness or ability to acquire awareness of cross cultural issues and sensitivities.

PERSONAL ATTRIBUTES

- Genuine interest in equity and diversity issues.
- Credibility with other members of the workplace/work unit.
- Demonstrated standards of workplace behaviour that reflects the standard of ethical behaviour as described in the Queensland Health Code of Conduct.