



CLEAN UP AV!



PROPOSED RECOMMENDATIONS FOR VEOHRC REVIEW INTO AMBULANCE VICTORIA

June 2021

Ambulance Employees Australia – Victoria | Phone: 03 9287 1713
PO Box 327, North Melbourne, VIC 3051 | Email: aea.vic@unitedworkers.org.au

Authorised by Brett Adie, Secretary, Ambulance Employees Australia Victoria, 117 Capel Street, North Melbourne, VIC 3051

UNITED
WORKERS UNION

Introduction

The AEAU regularly deals with complaints from members about bullying, sexual harassment, and discrimination. Our members have also told us of times they have experienced retribution as a result of raising their concerns and told us of the failures in Ambulance Victoria's (AV) investigative processes.

Numerous structural and cultural issues have an impact on bullying and harassment at AV. The AEAU has developed several recommendations that we believe could be implemented to deal with these issues.

Bullying, Discrimination and Sexual Harassment Audits

Recommendation 1 – Bullying, Discrimination and Sexual Harassment Audits

Ambulance Victoria should identify a mechanism for tracking and recording negative workplace behaviours, including looking for patterns of behaviour to identify “problematic individuals”, against whom multiple complaints have been made. These individuals should be investigated holistically, to ensure the cumulation of complaints are considered to provide the weight and likelihood of occurrence.

Welfare based KPI's for managers

Ambulance Victoria has a system where if no one reports ill health, and if WHS systems are not up to scratch concerning monitoring, the employer has limited obligations to mental health matters. Other measurements that are indicators of health such as overtime rates, absenteeism, WorkCover claims, staff satisfaction and so on should be measurements that managers are required to achieve.

Currently, AV's Key Performance Indicators (KPIs) all relate to efficient job performance, basic measures of patient care and use of resources. While these are important, paramedics are acutely aware that this is a powerful indicator of AV's priorities and sets the tone of pressure between them and management. Core KPIs are set by the Department of Health.

KPI's at AV are inherently discriminatory, any focus on response times favours the most able-bodied staff. Staff who are pregnant, have a disability, a chronic health condition and so on, is immediately at a disadvantage as they can't compete with “young, fit, 100% dedicated to employment” staff; rather than “managing their disability, pregnancy or health condition” staff. This also relates to AV's employment and recruitment practices, with AV favouring a certain type of staff member that is more able to meet AV's workplace demands.

It would be a significant driver of cultural change if the department introduced KPIs relating to staff welfare. This would illustrate paramedics' wellbeing is a central priority to the department and AV, and it would push recalcitrant managers to give this area more attention, rewarding those who excel in moderating workplace stress with positive feedback and increased chances of promotion and influence.

Feedback systems could include an anonymous survey of staff welfare, and manager self-assessments, such as the UK's Health and Safety Executive "stress management competency indicator tool".

Recommendation 2 – Review of current KPI's

AV should review the current KPI's to ensure they are not discriminatory towards employees.

Recommendation 3 – Staff Welfare based KPI's

Staff and management feedback systems within AV should be introduced to take measurements of workplace stress, and monitor and review overtime rates, absenteeism, WorkCover claims and staff satisfaction, to ensure a healthy workforce.

Professional Conduct Unit

The PCU needs more than rebranding, it needs a complete redesign with a focus on delivering procedural fairness. It needs an adequate budget and specialised staff who have the level of expertise required to perform its intended function. The AEA calls for a streamlined process of referral to an external body, such as the Fair Work Commission, if due to conflict of interest or other pertinent reasons, a matter cannot be fairly dealt with internally.

Recommendation 4 – Professional Conduct Unit

The Professional Conduct Unit should be transparently reviewed and restructured. The restructured Professional Conduct Unit should:

- a) Investigate cases independently and quickly.***
- b) Have the capacity to make decisions about cases and make decisions that are not subject to "influence" by Ambulance Victoria Executive***
- c) Have sufficient resources to be able to refer complaints to external investigators.***
- d) Provide investigation decisions to the subject of a case and the complainant***
- e) Be subject to external review in the event that an individual does not believe that they have been afforded procedural fairness.***
- f) Ensure that parties to the complaint are afforded procedural fairness***
- g) Ensure that parties to the complaint are kept informed of progress throughout the process***
- h) Ensure that parties to the complaint are informed of external tribunals with jurisdiction over the complaint***
- i) Conduct a retribution assessment on complaints to identify if they have been potentially lodged as a response to another workplace action***

Recommendation 5 – Bullying, Harassment and Discrimination Clause

To ensure that bullying, harassment, and discrimination are dealt with appropriately by Ambulance Victoria, and to allow parties appropriate avenues for investigation and resolution, Ambulance Victoria should add the following clause to the Enterprise Agreement.

Bullying, Harassment and Discrimination

- a) Ambulance Victoria is committed to providing equity of opportunity in employment and to achieving an employment environment that is free from bullying, harassment, and discrimination and supportive of the dignity and self-esteem of every employee.***

- b) *Ambulance Victoria undertakes to put in place measures designed to prevent workplace bullying, including but not limited to facilitated meetings, mediation and providing appropriate training in the prevention of bullying to existing and new employees.*
- c) *Employees are required to:*
- i. *personally demonstrate appropriate behaviour;*
 - ii. *take reasonable care to ensure their own safety and health; and*
 - iii. *avoid adversely affecting the safety or health of any other person through any act of workplace bullying or omission to deal with acts of bullying.*
- d) *Where an allegation of workplace bullying arises, in the first instance the parties involved should attempt to address the matter between themselves.*
- e) *If the parties are unable to resolve the matter, the appropriate manager is responsible for attempting to resolve complaints of workplace bullying promptly, confidentially, and impartially.*
- f) *If the complaint remains unresolved, either party or the manager may refer the matter to the Professional Conduct Unit for investigation. The Professional Conduct Unit shall be responsible for conducting its investigation in a timely manner and will provide all parties to the complaint with procedural fairness in accordance with Clause 75, Procedural Fairness. All parties will be notified of the outcome of the investigation.*
- g) *Disciplinary action for findings of workplace bullying may be taken in accordance with Clause 74, Misconduct/Serious Misconduct.*
-

Support for Victims of Bullying, Sexual Harassment and Discrimination

Anecdotally, when staff members experience sexual harassment, discrimination, or bullying, they have no one to get support from within Ambulance Victoria, save their HSR or Team Manager. HSR's and Team Managers generally have limited experience in matters of this nature and will not necessarily be able to provide options or suggest avenues for resolution.

A staff member who is involved in the making of a complaint against a peer or manager will be distressed and not functioning at their best and may not know the clear path towards resolution of their workplace problem.

AV should introduce contact officers throughout the service to support individuals experiencing negative workplace behaviour. Contact officers are defined by the Australian Human Rights Commission as follows:

A harassment officer – sometimes known as a contact officer, equal opportunity officer or equity contact officer – is a staff member who assists employees who experience discrimination and harassment in the workplace.

The contact person should:

- *listen to an employee's concerns about discrimination or harassment*
- *not form a view of the merit of any allegations*
- *provide information about the internal complaint process*

- *advise the person that in some situations where serious allegations are raised – for example, that may expose the organisation to legal liability – the issue may need to be reported to management and dealt with as a formal complaint*
- *where appropriate, provide support for a person if he or she wants to try and resolve the issue personally*
- *provide information about available support services; for example, workplace counselling services*
- *outline other options available to the person, such as lodging a complaint of discrimination or harassment with an external agency.*

The contact person should not be the same person who is responsible for investigating or making decisions about a complaint.

The company contact officer can help to facilitate the process of making an internal complaint of discrimination or harassment. This may help to avoid complaints to external agencies and/or legal action.

A similar process has been trialled by Ambulance Victoria in the Loddon Mallee region, through the Upstander Program. There was some positive and negative feedback from staff about the program, it requires reviewing prior to rolling out more broadly. Peer support officers are also well situated to take on this role.

Recommendation 6 – Contact Officers

The introduction of Contact Officers within Ambulance Victoria to provide support and advice to people who are experiencing negative workplace behaviours. Contact officers should be provided with similar rights as HSR’s for bullying, harassment, and discrimination matters, and should be provided with appropriate training and support including access to time to perform the role effectively.

When staff members witness bullying, harassment, or discrimination, they currently have limited options other than making a formal complaint. This can be difficult, and many staff who have reported incidents have experienced backlash through themselves becoming the target of a perpetrator. A whistle-blower hotline would allow incidents to be reported anonymously and confidentially, and would encourage staff members to speak up without fear of retribution. E.g.,

<https://www.whistleblowing.com.au/>

Recommendation 7 – Whistleblowing phone line

The introduction of a whistleblowing line such as “Your Call” for witnesses of negative workplace behaviours to anonymously report incidents.

Recommendation 8 – Process for branch movements

Ambulance Victoria to ensure alleged victims and perpetrators are managed effectively during and after the complaints management process. This could be done by creating a priority list to fill vacant lines at another branch, actively facilitating branch swaps and moves where practical, or by providing special leave while remediation measures are taking place.

Ambulance Victoria should develop a system to facilitate branch movement. This will ensure staff are supported and will maintain flexibility for families.

Management Recruitment and Review

Cronyism is a significant issue within Ambulance Victoria, and many staff commenting in the AEAV survey that management is a “boys club”; that there is one rule for managers and another for staff, management run their own agenda and managers are hand-picked because of the negative workplace behaviour they display.

Recommendation 9 – Review of recent management appointments

An immediate review of staff recently appointed or promoted to management positions to avoid cronyism and nepotism.

Recommendation 10 – External recruitment for Management positions

AV should utilise external recruiters for the application and interview process for management positions to avoid cronyism and nepotism.

Recommendation 11 – Limited-term positions and 360° Feedback

Managers are appointed to limited-term positions of three years, before and after which 360° feedback (feedback from staff, peers and superiors) about workplace behaviours and management styles is sought, and a decision is made about whether to renew or terminate the contract based on the feedback received.

Review of recruitment and exit processes

Recommendation 12 – Review of Recruitment and Exit processes

Ambulance Victoria to review the following recruitment and exit processes to ensure practices are not discriminatory:

- *Graduates including merit selection, training, and support by CI's during graduate year.*
- *Promotional or lateral movement processes such as preference lists, MICA, CI's, TM's and so on.*
- *Exit processes including the development of exit interviews and ensuring interviews are acted on where necessary.*

Review of FWA's

Recommendation 13 – Review of Flexible Work Arrangements

Ambulance Victoria to conduct annual reviews of Flexible Work Arrangements, and applications for FWA's over the previous twelve months. This review to look at reasons for refusal for FWA's and an assessment about the potential for discriminatory practices.

Recommendation 14 – Introduction of positions with responsibility for FWA's

Ambulance Victoria to introduce roles into the service to oversee FAW's and conduct negotiations. This would ensure better consistency, better support in terms of training, more transparency about decision making.

Organisation wide training

Recommendation 15 – Introduction of Annual Training

Ensure quality training and education is in place for all staff and managers around bullying and sexual harassment, both in-person and backed up with online refresher modules.

Conduct organisation-wide training regarding conflict resolution and legal rights in the workplace in order to reduce the need for mediation.

Ambulance Victoria Values

Recommendation 16 – Review of AV Values

Conduct a review of Ambulance Victoria's values, with a view to ensuring an addition of focusing on a safe, respectful, and inclusive work environment for everyone.