

## Office of Fair Trading

# Client aggression policy

# 2023



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# 1 Purpose

To provide Office of Fair Trading (OFT) staff with appropriate risk management strategies to deal with potentially aggressive clients in the workplace.

This policy will be reviewed yearly and/or as a result of legislative/procedural changes.

# 2 Scope

This policy applies to all OFT staff.

This policy should be considered in conjunction with:

- the Department of Justice and Attorney-General's (DJAG's) Safe workplaces information, [Health, safety and wellbeing information](#), which includes DJAG's work health and safety practice manual, job safety analysis process and DJAG's policy and authorities
- [Work Health and Safety Act 2011](#)
- [Criminal Code Act 1899 \(Criminal Code\)](#).

Aggression and violence at work is defined as any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. This definition includes verbal or physical aggression (from customers or members of the public) directed at workers, including those who work in a complaint centre environment.

Work-related violence is most common in industries where people work with the public or external clients. It often causes physical or psychological injury, and sometimes can be fatal. It can impose costs to your industry through increased workers' compensation and insurance premiums.

Factors that can increase the risk of client aggression and violence and include situations where there:

- are long waiting times for customers
- is an increased reliance on customers using automated technology
- is a need for workers to suppress emotions (e.g. anger or frustration).

# 3 Responsible delegates

The Chief Executive (Director-General) for the purpose of the administration of DJAG.

The Deputy Director-General and Commissioner for Fair Trading for the purpose of administering the business group comprising of the Office of Liquor and Gaming Regulation and OFT.

The Executive Director, Fair Trading Operations, is responsible for the day-to-day operations of the OFT and its staff.

The Fair Trading Executive Management Team (EMT) consisting of the Directors of each OFT division and the Executive Director collectively. The responsibilities of EMT are noted at 6.6.

All OFT officers in the execution of the duties on behalf of the OFT.

# 4 Objectives

The objective of this policy is to raise awareness among OFT staff:

- of the potential for conflict during client contact
- to assist in recognising and responding to behaviour that is aggressive, threatening, intimidating and/or potentially violent, and
- to assist in developing techniques and strategies to effectively manage this behaviour.

When interacting with clients it is essential for staff to remain situationally aware of their surroundings. It is important during client interaction for staff to:

- identify aggressive and potentially violent behaviour
- identify ways to defuse and/or avoid a potential for violent confrontations
- be aware of how staff behaviour can either trigger or defuse a situation
- assess individual crisis communication strategies
- assess techniques for managing intimidation, verbal abuse and threats
- review your entry to your destination and identify opportunities to exit a scene
- recognise signs that may lead to aggressive and potentially violent behaviour
- check your ego and adopt approaches to control your anger
- adopt approaches to manage fear.

Staff should be aware of all sections contained within Chapter 26 '*Assaults and violence to the person generally*' contained within the Criminal Code.

Staff should also be aware of section 340 Criminal Code (1)(c) or (1)(d).

This policy also aims to assist OFT staff after the event to effectively respond to and manage incidents of aggressive, threatening, intimidating or violent behaviour (Post Incident Management).

## 5 Client aggression

Client aggression includes a wide range of unacceptable, hostile behaviours directed towards OFT staff. Work related aggression may occur in or out of the workplace, on or off departmental premises and during or outside normal working hours.

Examples of behaviours that could be interpreted as acts of client aggression include:

- hostile or threatening gestures
- threatening or offensive behaviour
- verbal abuse of either a personal or general nature by means of innuendo, raised voice or obscenities, including racist and sexist comments
- physical violence against a person such as hitting, kicking, seizing, pushing or punching, or
- physical violence against an employee's personal or departmental property, possessions or objects.

It is important to acknowledge the potential for personal injury (trauma) that results from exposure to incidents of client aggression. For this reason, the definition of client aggression will also include exposure to traumatic incidents.

## 6 Managing client aggression

### 6.1 OFT commitment

OFT views client aggression as unacceptable and OFT staff should equip themselves with approaches or techniques to effectively manage aggressive situations should they occur. OFT is committed to, as far as possible, providing support and education to staff exposed to incidents of client aggression. Staff are not expected to deal with or tolerate situations involving client aggression without departmental support.

Any staff member who, in the course of their official duties or outside of working hours, is subjected to harassment or aggression by a client, will be given departmental support appropriate to the specific incident.

OFT's commitment to providing a safe work environment, as far as possible, demands the active support of managers.

## 6.2 OFT responsibilities

OFT has a responsibility under the *Work Health and Safety Act 2011* to provide a safe and healthy workplace for its staff. This responsibility extends beyond the physical aspects of the workplace. It includes providing a workplace where workers are safe from, and their health is not threatened by, client aggression.

OFT acknowledges the potential for incidents of client aggression to occur given the nature of work undertaken by operational field staff in delivering a range of services off premises. For this reason, it is important for all staff to be aware of their responsibilities to recognise and report incidents involving client aggression and/or traumatic incidents.

## 6.3 Staff responsibilities

Client contact, such as that required at customer service counters, during compliance checks or during interviews by compliance officers, may involve dealing with people who often feel uncomfortable, under duress or stressed by our very presence.

In order not to escalate instances of client aggression, it is important for staff to remain aware of the environment in which client interaction is taking place. Staff should, to the best of their ability, remain professional and dignified in their conduct.

Staff should raise any concerns that they may have with their supervisor/manager if they are assigned to a work situation where they feel they may not have sufficient expertise to deal with client expectations.

Should a client become frustrated or agitated, staff should make every effort to de-escalate the tension by using communication in a confident yet empathetic manner.

Direct client contact should be terminated after attempts to reduce client aggression have failed and it appears the client's behaviour exhibits characteristics similar to those stated in section 5.

All incidents of client aggression or harassment including those occurring outside normal working hours should be reported as soon as possible to a supervisor/manager.

Where warranted, employees should report incidents of client aggression to police. Every occasion of client aggression should be reported to a supervisor or manager and a SALVUS report filed to capture the incident. Section 7.2 Complaints to police, provides further guidance regarding this step.

## 6.4 Immediate response

Staff need to observe the following in instances involving client aggression:

- Any staff member at risk of attack or injury should be removed from the situation without delay.
- An injured staff member should be given immediate medical attention.
- If there is a risk of injury to staff or other persons, they should be moved (if possible) to a safe location and requested to remain if police have been called.
- If circumstances do not allow them to remain, to gather sufficient details of relevant circumstances/events for the information of police.
- Report the incident as soon as possible to their supervisor/manager.
- Staff involved in any incident of client aggression are to be offered the services of DJAG's [Employee \(and Manager\) Assistance Program \(EAP\)](#).

## 6.5 Management

Management should support any staff member who is subjected to incidents of client aggression. Management have the responsibility to ensure:

- local response guidelines are available to guide staff in the processes to be followed to report incidents of client aggression

- staff are aware of the support that may be provided to them in the event of an incident, including medical attention, debriefing, counselling and other support mechanisms
- all incidents of client aggression are reported
- office practices and procedures are reviewed and improved (where needed)
- staff are provided with guidance and/or training to enhance skills in conveying information to clients
- direct client contact areas, such as counters, are staffed by trained and experienced staff with a customer focus
- alarm systems such as duress buttons are checked regularly that they operate effectively, and staff are familiar with procedures for their use
- issues of personal security and client aggression are discussed during staff meetings and other forums
- field staff, such as inspectors, are familiar with risk minimisation strategies aimed at minimising or avoiding the incidence of client aggression, and
- staff involved in incidents of client aggression are offered the services of the EAP (see 6.4).

## 6.6 Executive

The key responsibilities of the Fair Trading EMT include ensuring that:

- employees under their employment are given guidance and are provided with access to policy and resources and where appropriate, training in personal security and expected responses to client aggression
- adequate support is provided to staff following reported incidents of client aggression, and
- all incidents of client aggression are correctly and promptly recorded, and appropriate intervention strategies are in place to manage impacts on individuals.

## 7 Assaults against staff

There may be occasions where staff are confronted by a client who displays aggressive or violent behaviour. The behaviour may present as verbal abuse but may escalate to a physical assault. It is important for staff to identify those behaviours and circumstances that could be interpreted as having a potential to lead to an assault being committed against themselves or another staff member. Once recognised as a potential assault and where possible, staff should exit the environment immediately.

### 7.1 Self-defense and preservation

Every person has the right to self-defence and to provide self-defence assistance to another person if in a situation where physical violence is being used.

Violence is explosive and can often be completely unexpected, so staff need to remember preparation in the first place lowers the level of workplace complacency. Understanding your surroundings, knowing if possible, who you are dealing with and keeping a safe distance from every person we deal with, enhance staff's ability to avoid self-defence if necessary.

If a matter escalates to an assault against staff by a client, section 271 of the Criminal Code provides for using force as is reasonably necessary by way of self-defence against an unprovoked assault in an effort to successfully defend against assault, grievous bodily harm or death.

The Criminal Code also provides for any person acting in good faith in another person's aid, to use self-defence for the purpose of defending the other person (section 273).

If the assailant decides to leave the scene, staff should not attempt to physically detain the aggressor or follow them. Where an assault has been committed upon a staff member, the matter is to be reported to police at the earliest opportunity.

## 7.2 Complaint to police

In the event of an assault, the assistance of police should always be sought. When the situation is safe to do so, every effort should be made to:

- if known, confirm the identity of the assailant
- assess the condition of the assaulted staff member and determine if medical assistance is required (urgently or otherwise)
- ensure the ongoing safety of all persons by retreating to a place of safety
- make contact with police to report the incident
- be guided by the police until their arrival, and
- report the incident to OFT management.

The assaulted staff member must **as soon as possible** after the assault be examined by a medical practitioner and a report of the injuries sustained as a result of the assault obtained for inclusion in a report of the events.

When medical treatment has been obtained, the police will require evidence from the treating doctor as to the nature and extent of injury. This will be required to ensure the assault type is correctly categorised for later court purposes.

When property has been damaged as a result of the incident, the property should not be discarded or repaired until inspected by police. The police may wish to secure the property as an exhibit should it be needed for later use in court proceedings.

## 7.3 Incident reporting

As soon as practicable, a report of the events that took place during the assault must be compiled by each officer involved. This is to be submitted through the officer's supervisor or manager for the information of senior management.

Where an employee is physically incapacitated and unable to complete an incident report form within this timeframe, their manager is to ensure a report form is completed on their behalf. The manager should also ensure HR is notified of an incident where a worker is expected to be absent from the workplace for an extended period of time because of a work incident.

A report of the incident is to be forwarded to DJAG's Workplace Health and Safety (WHS) unit within the HR division. Advice and forms for [reporting health, safety and wellbeing incidents](#) are available from the HR section of the DJAG intranet.

It is important to adhere to the following instructions:

- Any work-related incident is to be reported as soon as practical (within 24 hours of the incident)
- WHS forms are to be completed and submitted to the officer's designated safety advisor or supervisor
- In cases of hospitalisation, the member's management is to be notified
- Instances where individuals have been exposed to dangerous substances or spillage of dangerous substances must also be reported
- Should a staff member wish to submit a worker's compensation claim, they must also complete and lodge an Application for Workers' Compensation. Officers will be guided by their supervisor or manager to ensure the application is lodged in accordance with current administrative requirements.

## 8 Traumatic incidents

Staff who are exposed to an act of workplace aggression or violence will be afforded an opportunity to participate in voluntary counselling and support services (see 6.4) if they so wish.

OFT accepts the therapeutic rationale underpinning post-trauma counselling. Those events outside of the ordinary that have a significant negative tone and/or impact upon staff members produce a stress response in almost everyone who experiences such an event. A return to psychologically and emotionally competent functioning is enhanced by exposure to professional counselling. The provision of competent counselling services after staff experience trauma is also regarded as a common law obligation of the department. DJAG's [Managing potentially traumatic events at work procedure](#) provides helpful information to reduce the risk of post-traumatic health issues.

### 8.1 Accountability and responsibility

If you manage staff, it is your responsibility to ensure any staff member involved in a case of workplace aggression or violence is offered after incident counselling. Supervisors and managers also have a responsibility to monitor the well-being of affected staff to ensure that any adverse reactions are detected and acted upon at the earliest opportunity.

### 8.2 Staff counselling

The department's EAP provider (HR) is responsible for maintaining a network of competent counsellors who can be engaged to deliver personal counselling on an as needed basis. Staff exposed to workplace incidents are responsible for their own attendance to counselling sessions and it is entirely discretionary for staff to participate.

### 8.3 After Incident debriefing

Where staff have been exposed to incidents of client aggression, a structured and formal debrief is to be conducted to discuss issues arising from the incident. It is suggested that both an individual and team debrief is conducted in order to address issues in a thorough and expedient manner.

Debriefing will ensure management becomes aware of the incident, risk management lessons and allowing the staff member to recount the issues in a non-judgemental environment. Debriefing will afford staff an opportunity to learn from the experiences of others and will provide an important internal support mechanism for those staff directly affected.

Should it be considered necessary or appropriate, the department's EAP provider can provide guidance or assistance with conducting debriefs. Enquiries should be made by supervisors or managers to assist with facilitating this process.