



INQUIRY INTO WORKPLACE FATIGUE AND BULLYING IN SOUTH AUSTRALIAN HOSPITALS AND HEALTH SERVICES

Terms of Reference

That the Committee will inquire into, and report on workplace fatigue and bullying in South Australian Hospitals and Health Services, and in particular:

- a) *The factors contributing to workplace fatigue and bullying in South Australian Hospitals and Health Services;*
- b) *The impact of workplace fatigue and bullying on the health and wellbeing of health care professionals;*
- c) *The impact of workplace fatigue and bullying on quality, safety and effective health services;*
- d) *The extent to which current work practices comply with relevant legislation, codes and industrial agreements;*
- e) *Opportunities*, costs and impacts of measuring fatigue and using risk management tools, audit and compliance regimes, including those in other industries (e.g. aviation, mining and transport industries) to reduce the occurrence or impact of fatigue and bullying;*
- f) *Measures to improve the management and monitoring of workplace fatigue and bullying;*
- g) *the extent to which fatigue, including a comparison to other industry sector practices*, is a factor that is taken into account during investigations into medical misadventure;*
- h) *Any other relevant matters.*

* Explanatory note: the intent is to consider opportunities (possibilities) to measure fatigue in different industry sectors, and the potential benefits of doing so.

Explanatory note: the intent is to include identification of approaches to fatigue management that are considered notionally acceptable in different industry sectors

The following definitions, from SafeWork Australia, apply to the Inquiry:

Bullying - "Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety."

Fatigue - "In a work context, fatigue is mental and/or physical exhaustion that reduces your ability to perform your work safely and effectively."

Call for submissions

The Committee invites written submissions addressing the terms of reference (in whole or in part) by Thursday 31st January 2019. Further information on how to make a submission is available on the Committee's website.

About the Committee

The Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation is a Standing Committee of the Parliament of South Australia. The main function of the Committee is to keep the administration and operation of workplace health and safety legislation under continuous review.

Membership of the Committee

Members of the Committee are drawn from the House of Assembly and the Legislative Council. The current members of the Committee are:

Mr Stephen Patterson MP (Presiding Member)
Hon. John Dawkins MLC
Hon. Tammy Franks MLC
Mr Jon Gee MP
Mr Steve Murray MP
Hon. Tung Ngo MLC

Further Information

For further information on this inquiry, please contact the Parliamentary Officer via:

Phone 08 8237 9220 or 08 8237 9343
Email OccHealthCommittee@parliament.sa.gov.au
Web www.parliament.sa.gov.au/OSRC



PARLIAMENT OF SOUTH AUSTRALIA
Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation

GENERAL INFORMATION

**INQUIRY INTO
WORKPLACE FATIGUE AND BULLYING
IN SOUTH AUSTRALIAN HOSPITALS AND HEALTH SERVICES**

Pursuant to section 16(1)(c) of the *Parliamentary Committees Act 1991*, the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation ('the Committee') is to inquire into workplace fatigue and bullying in South Australian Hospitals and Health Services.

This document contains the following information on the Inquiry:

Terms of Reference	2
Timeline for the Inquiry.....	2
Scope of the Inquiry	3
Submissions.....	3
Confidentiality	4
Parliamentary Privilege	4
Support for persons making submissions and potential witnesses	6



Terms of Reference

The terms of reference result from a resolution of the Committee.

Any person or organisation interested in making a submission to the Committee should address the following terms of reference (in whole or in part):

That the Committee will inquire into, and report on workplace fatigue and bullying in South Australian Hospitals and Health Services, and in particular:

- a) The factors contributing to workplace fatigue and bullying in South Australian Hospitals and Health Services;*
- b) The impact of workplace fatigue and bullying on the health and wellbeing of health care professionals;*
- c) The impact of workplace fatigue and bullying on quality, safety and effective health services;*
- d) The extent to which current work practices comply with relevant legislation, codes and industrial agreements;*
- e) Opportunities, costs and impacts of measuring fatigue and using risk management tools, audit and compliance regimes, including those in other industries (e.g. aviation, mining and transport industries) to reduce the occurrence or impact of fatigue and bullying;*
- f) Measures to improve the management and monitoring of workplace fatigue and bullying;*
- g) the extent to which fatigue, including a comparison to other industry sector practices, is a factor that is taken into account during investigations into medical misadventure;*
- h) Any other relevant matters.*

The following definitions, from SafeWork Australia, apply to the Inquiry:

Bullying - "Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety."

Fatigue - "In a work context, fatigue is mental and/or physical exhaustion that reduces your ability to perform your work safely and effectively."

Timeline for the Inquiry

The indicative timeline for the inquiry is as follows.

The Committee may vary this timeline at any time, and may choose to make an interim report on the Inquiry.

Activity	Date
Public announcement of Inquiry	16 November 2018
Submissions open	16 November 2018 - 31 January 2019
Hearings	November – December 2018 (witnesses from key/major stakeholders)
	March - May 2019 (witnesses following submissions)
Draft Report	July 2019
Final Report	September 2019



Scope of the Inquiry

The Inquiry will undertake extensive research regarding workplace fatigue and bullying in accordance with the terms of reference. This will include academic and institutional analysis and data, as well as anecdotal evidence from individuals. Submissions are sought from all interested parties, and a wide range of stakeholders will be approached during the course of the Inquiry.

The focus of the Inquiry is upon examination of systems, processes and policy outcomes, and any recommendations made by the Inquiry will be addressed at this strategic level.

The Inquiry is unable to investigate individual matters. However, the Committee is keen to hear from individuals who wish to share their experience and suggestions regarding the management of matters encompassed by the terms of reference.

Information regarding support for persons making submissions or potential witnesses, including potential options to lodge complaints with appropriate investigating agencies, is provided on p.6 of this document.

Submissions

The Committee calls for written submissions and registrations of interest to appear before the Committee to make verbal submissions.

Your submission needs to address the terms of reference for the Inquiry in whole or in part.

Submissions may be submitted in hard copy by post or electronically by email to the addresses below.

Post submissions to:

The Parliamentary Officer
Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation
House of Assembly
Parliament House, North Terrace, Adelaide, 5000.

Email submissions to: OccHealthCommittee@parliament.sa.gov.au.

You may request that all or part of your submission remains confidential.

Please indicate clearly what part(s) of your submission you would like to remain confidential. Please read the sections on 'confidentiality' and 'parliamentary privilege' in this document.

Further information regarding the Inquiry may be found at: www.parliament.sa.gov.au/OSRC

Phone: (08) 8237 9220 or (08) 8237 9343.

Closing date for submissions – 31st January 2019



Confidentiality

Persons making submissions and giving evidence to the Inquiry may request that all or part of their submission and/or evidence remain confidential. The Committee will consider each request for confidentiality. Please advise the Parliamentary Officer of your request prior to making a submission or providing evidence.

A range of approaches may be taken to maintaining confidentiality, including: removal (or substitution) of names and places from submissions and evidence, and generalisation of statements.

In some cases the Committee may agree to keep a submission or evidence provided by a witness completely confidential.

Confidential written submissions

Where a department, authority or individual witness wishes to submit all or part of their evidence in confidence, submissions should be clearly marked "Confidential".

All copies of confidential submissions should be supplied directly to the Parliamentary Officer.

Confidential oral submissions – ‘in camera’

Where a department, authority or individual wishes to submit all or part of their oral evidence in confidence, a request in advance should be made to the Committee for its consideration.

A witness may request before or during their appearance, to present evidence ‘in camera’. This means that all members of the public will be asked to leave, but Hansard staff will remain to record the proceedings. The witness must give reasons for their request, which the committee would consider.

However, witnesses should be aware that the Committee may, at its discretion, disclose or publish or authorise the disclosure or publication of evidence taken ‘in camera’.

Witnesses are also advised that either House of Parliament has the authority to order the production and publication of undisclosed Committee evidence.

Confidential oral submissions – ‘off the record’

A witness can request to be heard ‘off the record’ (‘off the record’ evidence is taken in the absence of a gallery and without any Hansard transcript). ‘Off the record’ submissions are considered the exception rather than the rule.

Committees are reluctant to allow such evidence as the lack of record makes the evidence difficult to cite and any conclusions based on it are difficult to substantiate in the subsequent report.

Parliamentary Privilege

Evidence given to the Committee by witnesses and submissions made in the course of the Inquiry is protected by Parliamentary privilege.

However, republication of evidence may not be protected.



Protection of Witnesses

Witnesses are entitled to the protection of the Parliament in respect of anything that may be said by them in their evidence (section 28 of the *Parliamentary Committees Act 1991*).

Any action to disadvantage witnesses on account of their evidence (for example, physical violence, censure, legal proceedings) is a matter of privilege, and may be reported to the House.

Allegations of a criminal nature against witnesses may be referred to the Police.

Disclosure of evidence

All evidence, either written or oral, taken by a Committee is not to be disclosed by any person without the authority of the Parliament or the Committee. This relates to both confidential and non-confidential material.

Individuals and organisations providing submissions to the Committee should not assume that the Committee will automatically authorise the publication of submissions that it receives. A submission made to a Parliamentary Committee remains the property of that Committee and cannot be disclosed or published without the Committee's permission.

If for any reason you wish to be able to disclose any evidence you have provided to the Committee (for example, as part of lodging a complaint for investigation), you must seek the permission of the Committee.



Support for persons making submissions and potential witnesses

Support Services

If you need support or assistance you can contact:

- Beyond Blue - Phone 1300 224 636
- Lifeline – Phone 13 11 14
- Mental Health Triage Service (South Australia) – Phone 13 14 65
- Your General Practitioner

You can find further information at:

<https://www.headsup.org.au/healthy-workplaces/workplace-bullying>

Lodging of Complaints

SafeWork SA

All employees may contact SafeWork SA for information regarding bullying complaints.

<https://www.safework.sa.gov.au/health-safety/health-wellbeing/bullying-violence-conflict/bullying-inappropriate-behaviours#>

Phone: 1300 365 255

Office for Public Integrity (OPI)

You should make a complaint or report to the OPI if you think a South Australian public officer has broken the law, or acted in a way that is seriously inappropriate or negligent.

Complaints may be lodged with the Office of Public Integrity online, over the phone or by mail:

Website: <https://icac.sa.gov.au/>

Phone: (08) 8207 1777
1300 782 489 (Country Callers)

Mail: GPO Box 11066
Adelaide, South Australia 5001

Email: admin@opi.sa.gov.au

Fair Work Commission

Persons who work in the private sector will generally fall under the jurisdiction of the Fair Work Commission, and can apply for an order to stop bullying in they are still employed at the worksite where the bullying is occurring.

The Fair Work Commission website provides an online eligibility checking tool to assess whether the Commission may consider your application.

<https://www.fwc.gov.au/content/rules-form/application-order-stop-bullying>

Alternatively, private sector employees could seek assistance from their professional association or union.