

# CHCLEG001

Work legally and  
ethically



## LEARNER GUIDE

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## Version Control & Document History

Date	Summary of Modifications	Version
13 May 2022	Version 1.0 released for publishing	1.0
13 February 2024	Version 1.1 endorsed for use - Fixed some hyperlink issues	1.1

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# This Learner Guide

## **CHCLEG001 - Work legally and ethically (Release 1)**

This unit describes the skills and knowledge required to identify and work within the legal and ethical frameworks that apply to an individual job role.

This unit applies to community services and health workers who play a proactive role in identifying and meeting their legal and ethical responsibilities.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand standards and industry codes of practice.

**A complete copy of the above unit of competency can be downloaded from the TGA website:**

<https://training.gov.au/Training/Details/CHCLEG001>

## About this Unit of Study Introduction

As a worker, a trainee, or a future worker, you want to enjoy your work and become known as a valuable team member. This unit of competency will help you acquire the knowledge and skills to work effectively as an individual and in groups. It will give you the basis to contribute to the goals of the organisation which employs you.

It is essential that you begin your training by becoming familiar with the industry standards to which organisations must conform.

## This Learner Guide Covers

Work legally and ethically

- I. Identify and respond to legal requirements
- II. Identify and meet ethical responsibilities
- III. Contribute to workplace improvements

## Learning Program

As you progress through this unit of study, you will develop skills in locating and understanding an organisation's policies and procedures. You will build up a sound knowledge of the industry standards within which organisations must operate. You will become more aware of the effect that your own skills in dealing with people have on your success or otherwise in the workplace. Knowledge of your skills and capabilities will help you make informed choices about your further study and career options.

## Additional Learning Support

To obtain additional support you may:

- Search for other resources. You may find books, journals, videos and other materials which provide additional information about topics in this unit.
- Search for other resources in your local library. Most libraries keep information about government departments and other organisations, services and programs. The librarian should be able to help you locate such resources.
- Contact information services such as Infolink, Equal Opportunity Commission, Commissioner of Workplace Agreements, Union organisations, and public relations and information services provided by various government departments. Many of these services are listed in the telephone directory.
- Contact your facilitator.

## Facilitation

Your training organisation will provide you with a facilitator. Your facilitator will play an active role in supporting your learning. Your facilitator will help you at any time during working hours to assist with:

- how and when to make contact
- what you need to do to complete this unit of study
- what support will be provided.

Here are some of the things your facilitator may do to make your study easier:

- Give you a clear visual timetable of events for the semester or term in which you are enrolled, including any deadlines for assessments
- Provide you with online webinar times and availability
- Use ‘action sheets’ to remind you about tasks you need to complete, and updates on websites
- Make themselves available by telephone for support discussion and provide you with industry updates by email where applicable
- Keep in touch with you during your studies

## Flexible Learning

Studying to become a competent worker is an interesting and exciting thing to do. You will learn about current issues in this area. You will establish relationships with other students, fellow workers, and clients. You will learn about your own ideas, attitudes, and values. You will also have fun. (Most of the time!)

At other times, studying can seem overwhelming and impossibly demanding, particularly when you have an assignment to do and you aren't sure how to tackle it, your family and friends want you to spend time with them, or a movie you want to see is on television.

Sometimes being a student can be hard.

Here are some ideas to help you through the hard times. To study effectively, you need space, resources, and time.

### Space

Try to set up a place at home or at work where you can:

- keep your study materials
- be reasonably quiet and free from interruptions
- be reasonably comfortable, with good lighting, seating, and a flat surface for writing.

If it is impossible for you to set up a study space, perhaps you could use your local library. You will not be able to store your study materials there, but you will have quiet, a desk and chair, and easy access to the other facilities.

## Study Resources

The most basic resources you will need are:

- a chair
- a desk or table
- a computer with Internet access
- a reading lamp or good light
- a folder or file to keep your notes and study materials together
- materials to record information (pen and paper or notebooks, or a computer and printer)
- reference materials, including a dictionary

Do not forget that other people can be valuable study resources. Your fellow workers, work supervisor, other students, your facilitator, your local librarian, and workers in this area can also help you.

## Time

It is important to plan your study time. Work out a time that suits you and plan around it. Most people find that studying, in short, concentrated blocks of time (an hour or two) at regular intervals (daily, every second day, once a week) is more effective than trying to cram a lot of learning into a whole day. You need time to ‘digest’ the information in one section before you move on to the next, and everyone needs regular breaks from study to avoid overload. Be realistic in allocating time for study. Look at what is required for the unit and look at your other commitments.

Make up a study timetable and stick to it. Build in ‘deadlines’ and set yourself goals for completing study tasks. Allow time for reading and completing activities. Remember that it is the quality of the time you spend studying rather than the quantity that is important.

## Study Strategies

Different people have different learning ‘styles’. Some people learn best by listening or repeating things out loud. Some learn best by ‘doing’, some by reading and making notes. Assess your own learning style and try to identify any barriers to learning which might affect you. Are you easily distracted? Are you afraid you will fail? Are you taking study too seriously? Not seriously enough? Do you have supportive friends and family? Here are some ideas for effective study strategies:

1. **Make notes.** This often helps you to remember new or unfamiliar information. Do not worry about spelling or neatness, as long as you can read your own notes. Keep your notes with the rest of your study materials and add to them as you go. Use pictures and diagrams if this helps.
2. **Underline keywords** when you are reading the materials in this Learner Guide. (Do not underline things in other people’s books.) This also helps you to remember important points.
3. **Talk to other people** (fellow workers, fellow students, friends, family, or your facilitator) about what you are learning. As well as help you to clarify and understand new ideas, talking also gives you a chance to find out extra information and to get fresh ideas and different points of view.



## Using this Learner Guide

A Learner Guide is just that, a guide to help you learn. A Learner Guide is not a textbook. Your Learner Guide will:

1. Describe the skills you need to demonstrate to achieve competency for this unit.
2. Provide information and knowledge to help you develop your skills.
3. Provide you with structured learning activities to help you absorb knowledge and information and practice your skills.
4. Direct you to other sources of additional knowledge and information about topics for this unit.

### How to Get the Most Out of Your Learner Guide

Some sections are quite long and cover complex ideas and information. If you come across anything you do not understand:

1. Talk to your facilitator.
2. Research the area using the books and materials listed under Resources.
3. Discuss the issue with other people (your workplace supervisor, fellow workers, fellow students).
4. Try to relate the information presented in this Learner Guide to your own experience and to what you already know.
5. Ask yourself questions as you go. For example, ‘Have I seen this happening anywhere?’ ‘Could this apply to me?’ ‘What if...’ This will help you to ‘make sense’ of new material, and to build on your existing knowledge.
6. Talk to people about your study. Talking is a great way to reinforce what you are learning.
7. Make notes.
8. Work through the activities. Even if you are tempted to skip some activities, do them anyway. They are there for a reason, and even if you already have the knowledge or skills relating to a particular activity, doing them will help to reinforce what you already know. If you do not understand an activity, think carefully about the way the questions or instructions are phrased. Read the section again to see if you can make sense of it. If you are still confused, contact your facilitator or discuss the activity with other students, fellow workers or with your workplace supervisor.

## Additional Research, Reading, and Note-Taking

If you are using the additional references and resources suggested in the Learner Guide to take your knowledge a step further, there are a few simple things to keep in mind to make this kind of research easier.

Always make a note of the author's name, the title of the book or article, the edition, when it was published, where it was published, and the name of the publisher. This includes online articles. If you are taking notes about specific ideas or information, you will need to put the page number as well. This is called the reference information. You will need this for some assessment tasks, and it will help you to find the book again if you need to.

Keep your notes short and to the point. Relate your notes to the material in your Learner Guide. Put things into your own words. This will give you a better understanding of the material.

Start off with a question you want answered when you are exploring additional resource materials. This will structure your reading and save you time.

# Introduction



This Learner Guide covers the legal and ethical responsibilities of your work role. It focuses on occupations in the community and health services. You need to be aware of your duties' legal and ethical requirements as you work.

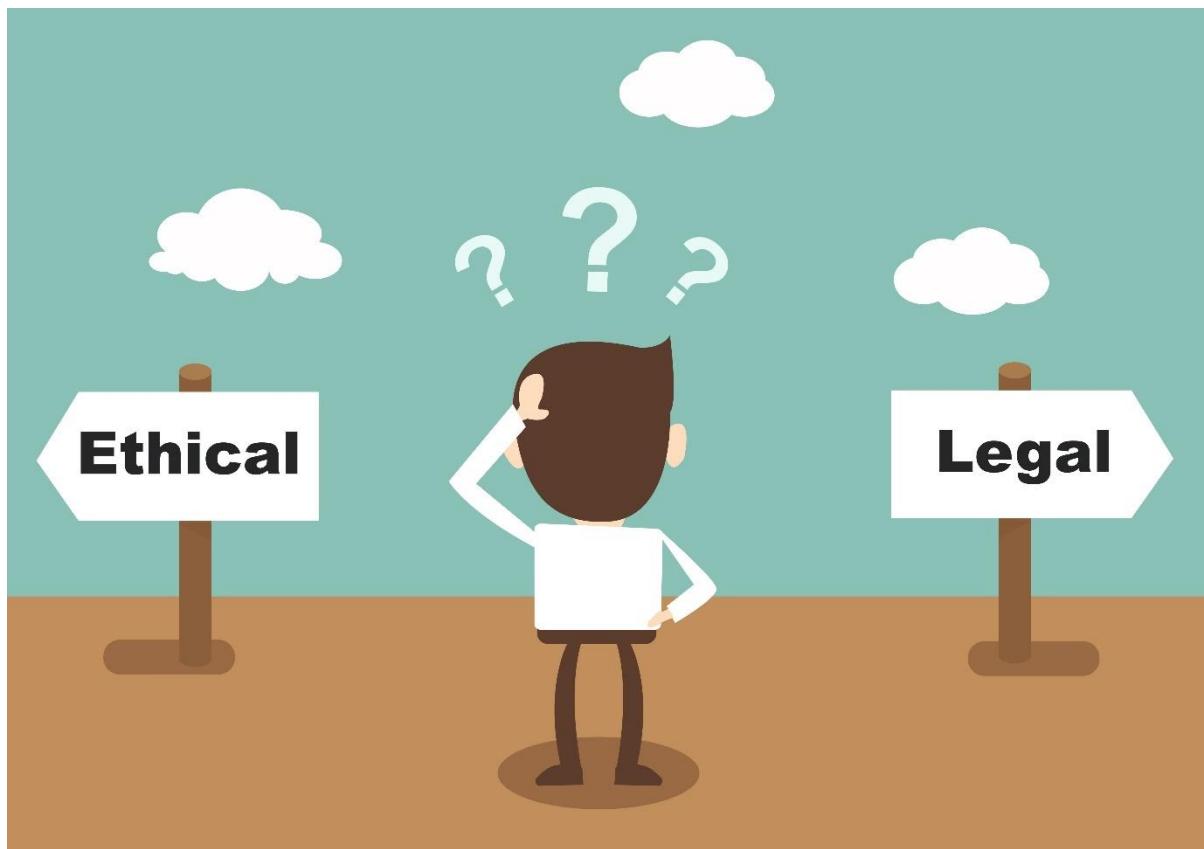
Some people may not be sure how to differentiate *legal* and *ethical*. These words will be used repeatedly in this Learner Guide. And so, these terms are defined first to ensure that you have a good grasp of their meaning:

- **Legal** – Anything that is related to laws
- **Ethical** – Anything that is related to the human principles of right and wrong

To explain further, it means that something ethical is not necessarily written in the law. Likewise, something legal does not mean that it is viewed as ethical by all people.

An action can be A, B, C, or D:

- A. It can be both legal and ethical
- B. It can be legal but unethical
- C. It can be ethical but illegal
- D. It can be both illegal and unethical



It is clear that Action A is correct – ideally, our actions must always be legal and ethical; and Action D is wrong – it is clear that we must not do this at all. However, the conflict happens for Actions B and C.

For example, any action to be implemented in relation to the individual support worker's duty of care may undergo an ethical dilemma. There are actions which are ethical but may be a breach of the legislation, while there are legal actions which may be seen as unethical depending on the individual's personal values and principles. A client may refuse treatment for their illness. Even if the individual support worker thinks that the client needs that treatment, it will be illegal to provide that, as it is against the client's decision. Having both legal and ethical frameworks ensures that both the legal and ethical perspectives of all parties involved are considered and weighed before a support worker or service provider takes any significant action.

You can see that legal and ethical frameworks can be interrelated. They can be both used as bases for policies and procedures. And since ethics is based on right and wrong, it is used to form laws. These laws promote morally right actions and punish morally wrong actions.

Study the table below to know the similarities and differences of legal and ethical frameworks.

Legal Frameworks	Similarities	Ethical Frameworks
<ul style="list-style-type: none"> <li>▪ sets of rules and regulations</li> <li>▪ objective</li> <li>▪ impose punishments or penalties for illegal actions</li> <li>▪ enforced by regulatory bodies and agencies</li> <li>▪ usually written</li> <li>▪ applicable to specific countries or states and territories</li> </ul>	<ul style="list-style-type: none"> <li>▪ create order in the society</li> <li>▪ prevent wrongful actions</li> <li>▪ aim to have a better society</li> <li>▪ regulate behaviours of people</li> <li>▪ establish guiding principles for industries and workplaces</li> <li>▪ establish moral boundaries in the society</li> <li>▪ mediate relationships among people</li> </ul>	<ul style="list-style-type: none"> <li>▪ moral principles</li> <li>▪ subjective</li> <li>▪ do not impose punishment or penalty but implies consequences for wrongful actions</li> <li>▪ not enforced but are expected to be observed</li> <li>▪ not usually written but still recognised by groups of people</li> <li>▪ universal</li> </ul>

*Based on Meaning, Similarities and Differences Between Law and Ethics. Bschorlly LLC*

The different legal and ethical frameworks relevant to your work role are discussed in this Learner Guide. This guide intends to aid you in accessing relevant information. It also aims to assist you to recognise legal and ethical considerations. The Learner Guide equips you with the necessary knowledge and skills that will help you be more effective in your tasks.

In this learner guide, you will learn how to:

- identify and respond to legal requirements
- identify and meet ethical responsibility
- contribute to workplace improvements.

# I. Identify and Respond to Legal Requirements



Part of your work responsibility is to deliver high-quality and safe services. One way to do this is to adhere to legal requirements. Legal requirements are those that are prescribed by law. These requirements are implemented and monitored by the government.

You can identify these legal requirements by researching relevant legislation, codes, regulations and orders. Knowing the legal requirements will also allow you to identify risks, penalties and consequences that may apply to your workplace.

There are things you need to consider when responding to legal issues. You need to check relevant facts and information. It would be best to remember to follow organisational policies and procedures. You can also discuss the matter with your supervisor or other appropriate people. Keep in mind that you must uphold your clients' rights while doing your duties. Be sensitive to your boundaries or limitations as indicated in your work role.

In this chapter, you will learn how to:

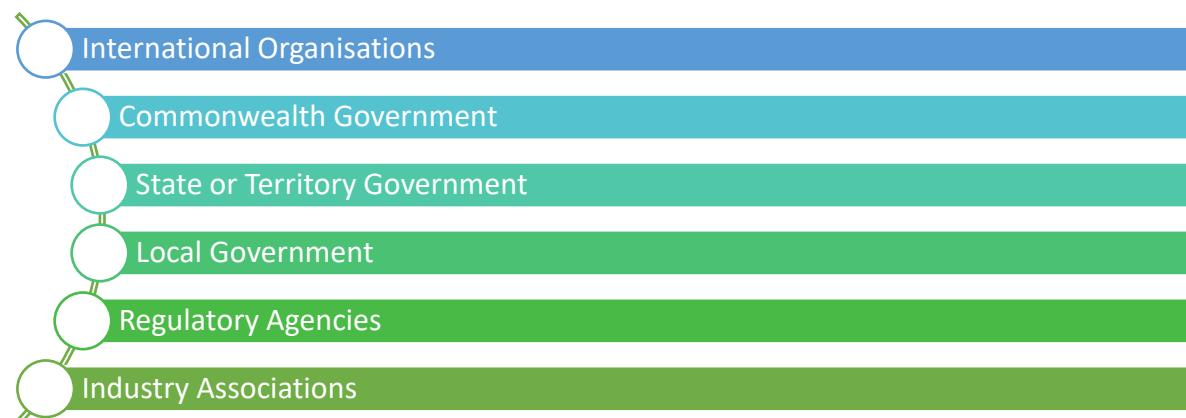
- identify, access and interpret sources about legal requirement information
- identify own legal rights and responsibilities
- adhere to legal requirements in work practices
- report breaches.

## 1.1 Identify, Access, and Interpret Sources of Information About Legal Requirements

Legal requirements mean any law put into effect. These requirements set standards that need to be followed by organisations. It is essential that you identify, access, and interpret these legislations. To comply with them, you need to know the relevant legal requirements to your work role and workplace.

### 1.1.1 Identifying Sources

The first step in researching the legal requirements is identifying the sources. Your primary sources of information for these requirements are as follows:



- **International Organisations**

The United Nations is an international organisation of 193 member states, including Australia. UN aims to promote peace, dignity and equality for all.

UN is also comprised of specialised agencies. These agencies focus on their area of work. Some of the agencies that may be relevant to the health and community services are as follows:

- International Labor Organisation (ILO) – promotes international labour rights
- United Nations Educational, Scientific and Cultural Organisation (UNESCO) – focuses on improving education and protecting historical and cultural sites worldwide
- United Nations Children's Fund (UNICEF) – protects children's rights and assist them in fulfilling their potential
- World Health Organisation (WHO) – aims to attain the highest level of health for everyone



## Further Reading

To learn more about the UN and the specialised agencies, you can visit the link below.

[UN System](#)

- **Commonwealth Government**

The [Federal Register of Legislation](#) contains national legislation and related documents. It is a website authorised by the Commonwealth government. On this website, full text and details of laws are shown.

- **State or Territory Government**

States and territories also have a register or database of legislation. Each state or territory may have similar laws, but some details may differ. You must access legislation specific to your state/territory so that you will know what requirements apply to your work role and workplace.

The table below contains the websites for register of legislation.

State or Territory	Register of Legislation
Australian Capital Territory (ACT)	<a href="#">ACT Legislation Register</a>
New South Wales (NSW)	<a href="#">NSW legislation</a>
Northern Territory (NT)	<a href="#">Northern Territory Legislation</a>
Queensland (Qld)	<a href="#">Queensland Legislation</a>
South Australia (SA)	<a href="#">South Australian Legislation</a>
Tasmania (Tas)	<a href="#">Tasmanian Legislation</a>
Victoria (Vic)	<a href="#">Victorian legislation</a>
Western Australia (WA)	<a href="#">Western Australian Legislation</a>

- **Local Government**

Local governments may have policies that you may need to comply with. You can visit the website of your local government. You may also call or go to their office to access relevant information.

## ▪ Regulatory Agencies

Aside from government bodies, other agencies also supervise compliance with legal requirements. Some regulatory agencies relevant to the health and community services sectors are listed below.

- [Australian Health Practitioner Regulation Agency](#) (AHPRA) – implements the National Registration and Accreditation Scheme
- [Australian Children's Education & Care Quality Authority](#) (ACECQA) – assists governments in implementing the National Quality Framework for children's education and care
- [National Disability Insurance Agency](#) (NDIA) – implements the National Disability Insurance Scheme
- [Aged Care Quality and Safety Commission](#) (ACQSC) – supervises government-funded aged care service providers
- [National Indigenous Australians Agency](#) (NIAA) – implements government policies and programs relevant to Aboriginal and Torres Strait Islander peoples

There are more regulatory agencies you can refer to depending on your work role.

## ▪ Industry Associations

Industry associations are different organisations that support regulatory agencies. These industry associations are also good sources of information about legal requirements. They provide further information and analysis of requirements relevant to your industry.



### 1.1.2 Accessing Sources

You can call or go to the relevant offices if you need more information about legal requirements. But if it is more convenient for you, you can always check the websites of the mentioned sources.

You just need to type the website address or uniform resource locator (URL) in your browser's address bar to access their websites. If you do not know the URL, you can always search the website name or specific legislation you want to know about. Most likely, the search results will give you the relevant websites.



You must make sure that the websites you access are credible sources. To check for credibility, you can do the following:

- Identify the author. Most of the websites you will access are run by government bodies or organisations. They are considered the authors of website content. If there are individual authors, you can check their credentials.
- Check for the publishing date. Make sure that the information you are reading is current.
- Refer to other sources. Cross-check the information. Note the similarities and differences from various sources.

You can also consult or seek clarification if you need more information. You can discuss this with your supervisor or other appropriate persons. You can also check relevant workplace documents such as your organisation's policies and procedures.

### 1.1.3 Interpreting Sources

Legislations may be hard to read at times. The statements may be difficult due to complex words and sentences. Learning the common terms and the structure of the law will help you interpret it better.

## Common Terms

- **Act** – An *Act* is a statute or law passed by both Houses of Parliament that has received Royal Assent. On Royal Assent, Acts are given a year and number. Once an Act is formally enacted, it can generally only be amended or repealed by another Act. When an Act changes, a compilation of the Act is prepared to show the Act as amended. Acts are also known as primary legislation.
- **Agency** – An *agency* can be an Australian Government Department of State, another type of Australian Government body, or a State government body.
- **Amendment** – An *amendment* is a change to the law generally made by another law. An amendment can change or repeal an existing provision or add a new provision.
- **Bill** – A *bill* is a draft Act of Parliament. Under Australia’s Constitution, a bill may be introduced in either House of Parliament except for a supply or money Bill that must be introduced in the House of Representatives.
- **Commencement** – The *commencement* of law is the time/date at which a law comes into force. Different parts of the law may come into force at different times.
- **Compilation** – A *compilation* is a version of a law that shows the text of the law as amended at a particular point in time. The compilation details can be found on the front page of the compilation and in the endnotes.
- **Preamble** – A *preamble* sets out the reasons for and scope of a law.
- **Title** – The *title* of the law refers to a law’s official title. If a law has both a short title and a long title, it is best to cite it by its short title.



*Sourced from the Federal Register of Legislation at December 22, 2021. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Glossary, used under CC BY4.0*



## Further Reading

Below is the link to the glossary of the Federal Register of Legislation.

[Glossary](https://www.legislation.gov.au)

## Structure of a Law

The contents of laws may vary. However, most of them are structured the same way. Below is the general structure of the legislation.

- *Title* – Laws are identified by the following:
  - *Short title* – It includes a financial or calendar year. It may also consist of a number if a law with a similar title has been published.
    - Example: Appropriation Act (No.3) 2009-2010
  - *Series year and number* – Each Act is numbered according to the order made in a year. The first Act of the year will be 1.
    - The mentioned Act above is Act No. 24, 2010
- *Preliminary pages* – These contain general information about the law and an overview of the document (i.e. title page and table of contents).
- *Middle section* – It is the body of law. It will be organised as follows:

Acts	Regulations and Other Instruments	Rules of Court
Section	Section	Rule
Subsection	Subsection	Subrule
Paragraph	Paragraph	Paragraph
Subparagraph	Subparagraph	Subparagraph
Sub subparagraph	Sub subparagraph	Sub subparagraph

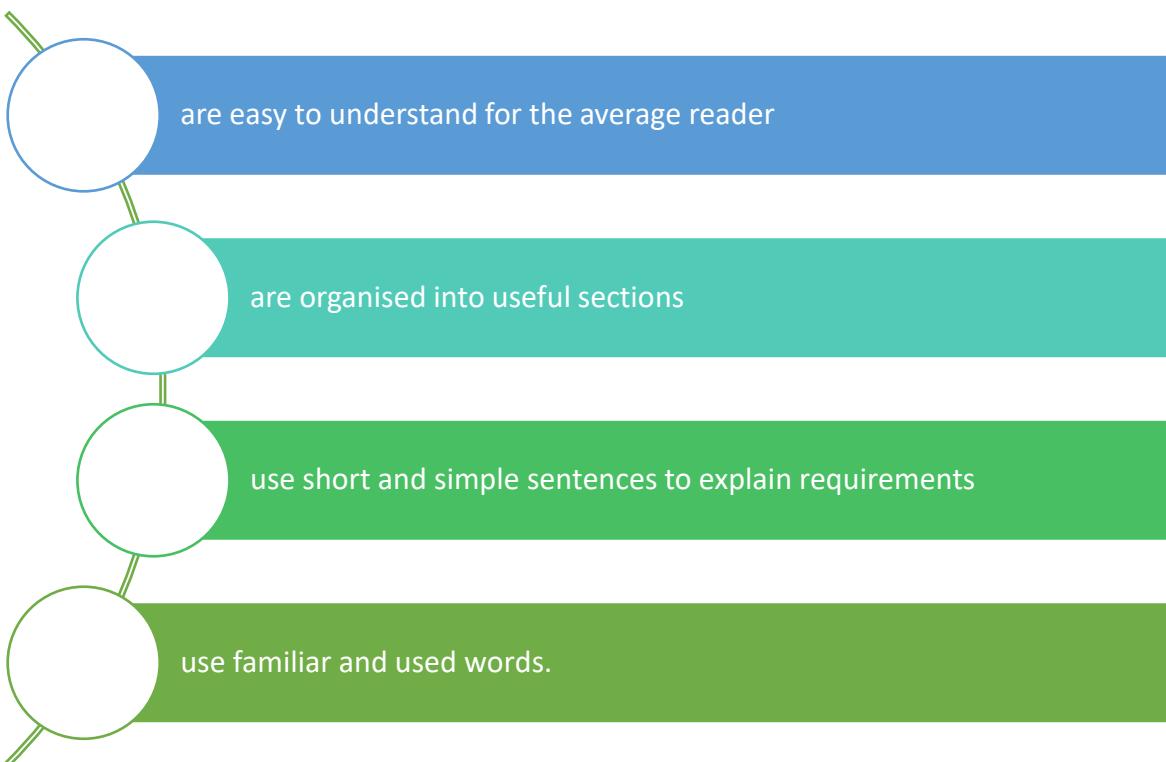
- *Final pages* – These contain the endnotes, information on the history of the particular law, details of incorporated amendments and other process information.

To fully understand a particular provision in a law, it is usually necessary to read several other related provisions. It may include the commencement, application and definitions.

*Based on content from the Federal Register of Legislation at December 22, 2021. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Structure of a Law, used under CC BY 4.0*

## Plain English Documentation

Even after learning about the common terms and structure of law, you may still find it challenging to interpret laws. Trying to interpret compliance requirements may take some time. It may result in inaccuracies in implementation. For this reason, governments provide plain English documentation of laws. Plain English documentation contains interpretations of legislation. This can be understood by people who are not well-versed in legal terminologies. Documents that are written in plain English:



Plain English documentation helps people better follow essential rules and guidelines. It will also help you interpret laws. You can translate them into policies and procedures applicable to your organisation.

## Interpreting to Policies and Procedures

Once you understand the legal requirements, you can interpret them into appropriate policies and procedures. For example, provisions on privacy, confidentiality and disclosure can be found in the Privacy Act 1988. A particular provision of this law requires organisations to:

- ensure that personal information is only collected with an individual's consent
- ensure that the information is used for purposes consented to by the individual.



This provision can serve as the basis for policies and procedures to collect personal information from clients.



## Checkpoint! Let's Review

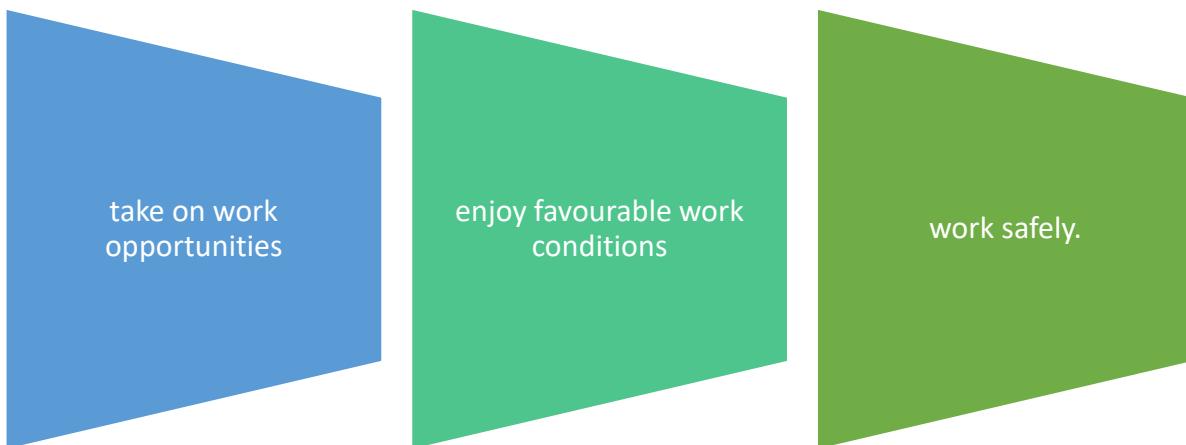
1. Legal means anything related to laws.
2. Ethical means anything related to the human principles of right and wrong.
3. Legal requirements are those that are prescribed by law.
4. Your primary sources of information for legal requirements are as follows:
  - International organisations
  - Commonwealth government
  - State or territory government
  - Local government
  - Regulatory agencies
  - Industry associations

## 1.2 Identify Own Legal Rights and Responsibilities

The following are the critical terms used in this subchapter:

- *Scope* refers to the extent of one's legal rights and responsibilities.
- *Nature* refers to the components or details of one's legal rights and responsibilities.
- *Legal rights* refer to a person's privileges or claims prescribed by law.
- *Legal responsibilities* refer to a person's duties imposed by law.

As a worker, you have legal rights and responsibilities. Legal rights protect your privileges to:



In general, the scope and nature of your legal rights as a worker will cover every aspect of your employment or workplace relations. It may include:

- equal opportunity
- vocational and training programs
- remuneration
- safe and healthy working conditions
- promotion and advancement at work
- rest and leisure (i.e. leave and holidays)
- hours of work
- measures against discrimination
- trade unions
- physical accessibility for people with disability.

*Based on Right to work and rights at work, used under CC BY 4.0. © Commonwealth of Australia 2021.*

Aside from these rights, you must also identify your legal responsibilities. Generally, workers have the following legal obligations:



Community service and health workers may provide service in various environments. Examples of workplace settings are hospitals, schools and aged care facilities. The scope and nature of your legal responsibilities will depend on your work role and workplace setting. It will also depend on the rights of the clients. Some of these legal obligations may include:

- attending training or taking on further education relevant to the service you provide
- respecting your client's refusal of service (e.g. a patient under a "Do Not Resuscitate" order or an older person refusing the suggested risk minimisation strategies)
- respecting your client's culture and following their customs as needed (e.g. communicating with Aboriginal and Torres Strait Islander peoples)
- giving equal opportunity or making reasonable adjustments for people with disability
- handling the feedback and complaints of the clients
- reporting to your supervisor or other appropriate people (e.g. reporting to healthcare professionals if you work in a hospital or to an education team if you work in a school)
- respecting the privacy and confidentiality of the clients.

Responsible workers understand what their rights are and respect the rights of others. You must have a good understanding of the legal rights and responsibilities relevant to your role. This knowledge helps you work effectively while supporting the rights of the clients.

The following sections will cover other legal considerations that you need to know. They will also discuss how these considerations impact individual workers. These sections aim further to understand legal rights and responsibilities specific to your role.

### 1.2.1 Children in the Workplace

There may be instances that you will encounter children in your workplace. They may be visiting the office or volunteering in your organisation. Perhaps, they are employed in your workplace. You may also be working in a school or childcare centre. They can also be patients in the hospital you are working. In any of these cases, you have a legal obligation to keep these children healthy and safe.

One of the things you can do is keep the children away from hazards. To do this, you can minimise the risks to children through some key considerations:

- Are the children safe?
- Are the children well supervised?
- Are there clear policies on how to interact with children?

These considerations all relate to how you and your colleagues care for children in your workplace. You must ensure that employees are equipped and qualified to work with children. Each state/territory has a set of working with children checks (WWCC). These screen candidates for work that involves interacting with and caring for children. These requirements are based on state/territory legislation.

State or Territory	Legislation Related to Working With Children
ACT	<a href="#">Working with Vulnerable People (Background Checking) Act 2011</a>
NSW	<a href="#">Child Protection (Working with Children) Act 2012 No 51</a>
NT	<a href="#">Care and Protection of Children Act 2007</a>
Qld	<a href="#">Working with Children (Risk Management and Screening) Act 2000 No. 60</a>
SA	<a href="#">Child Safety (Prohibited Persons) Act 2016</a>
Tas	<a href="#">Registration to Work with Vulnerable People Act 2013</a>
Vic	<a href="#">Worker Screening Act 2020</a>
WA	<a href="#">Working with Children (Criminal Record Checking) Act 2004</a>

*Based on Pre-employment screening: Working With Children Checks and Police Checks, Australian Institute of Family Studies (AIFS) on behalf of the Commonwealth of Australia, CC BY 4.0*

It may be your legal responsibility to check the background of the workers. To comply with the legal requirements for working with children, you must ensure that all workers who interact with children pass the required checks. Your legal responsibilities include:

checking the background of workers

monitoring the behaviour of workers around children

implementing policies and procedures on interacting with children.



## Further Reading

For information on performing checks, access the resource sheet provided by the Australian Institute of Family Studies through the link below.

[Pre-employment screening: Working With Children Checks and Police Checks](#)

Aside from receiving care services, there are other situations where children may visit your workplace. For example, there may be days when staff members bring their children to work with them. In such cases, you are also responsible for ensuring that visiting children are safe. If your centre is compliant with safety laws, visiting children will also be safe when they enter play and learning spaces. However, they may visit areas outside these spaces, such as offices. To ensure children's safety in the workplace:

- include child safety practices in policies and procedures and ensure that all staff members are familiar with them
- control the access and movement of children by designating spaces where they can stay
- ensure that children are supervised at all times.

Keeping a healthy and safe work environment is part of your compliance requirements under Work Health and Safety laws. These will be discussed in Section 1.2.18 of this subchapter.

## 1.2.2 Codes of Conduct

A code of conduct is a set of guidelines formed by an organisation to monitor and regulate the behaviour of its employees. It serves as a general guideline for how employees behave when performing their work roles and responsibilities.

A code of conduct, in itself, has no legal basis. Instead, it serves as a model of desirable behaviour in the workplace. However, the principles described in a code of conduct may be based on specific laws. For example, under an organisation's code of conduct, employees may be required to promote equality and call out discriminatory behaviour from colleagues. In this case, this provision is based on anti-discrimination laws.

A code of conduct may become legally binding if it is incorporated in contracts. Contracts are legal instruments that describe the duties agreed upon by the parties. For example, if employment contracts state that all employees must abide by the organisation's code of conduct, then the provisions in the code of conduct become a legal requirement.

The table below shows the relevant code of conduct or ethics for some industries or occupations in the community and health services.

Occupation	Code of Conduct
Registered Health Practitioners (e.g. nurses, dentists, paramedics, pharmacists)	Codes and guidelines
Unregistered Health Practitioners (e.g. aged care workers, counsellors, massage therapists)	National Code of Conduct for healthcare workers
Community Workers	Ethics and standards
Disability Support Workers	The NDIS Code of Conduct - Guidance for Workers
Early Childhood Care Workers	Code of Ethics

You can access the code of conduct or ethics for each state or territory below for the education sector.

State or Territory	Code of Conduct
ACT	<a href="#">Professional Conduct</a>
NSW	<a href="#">Code of Conduct</a>
NT	<a href="#">Code of conduct</a>
Qld	<a href="#">Public service Code of Conduct</a>
SA	<a href="#">Code of Ethics</a>
Tas	<a href="#">State Service Legislation Overview</a>
Vic	<a href="#">Code of Conduct for Employees</a>
WA	<a href="#">Commissioner's Instruction No. 7: Code of Ethics</a>

### 1.2.3 Codes of Practice and Practice Standards

Codes of practice provide rules and guidelines for performing different work aspects for a specific industry. Code of practice differs from the code of conduct. The code of conduct focuses on the behaviour of the workers. It may include how the individual relates with clients and colleagues. The code of practice emphasises guidelines for the workplace.



Like the code of conduct, the code of practice is based on laws and regulations. It provides practical guidelines on how to comply with relevant laws and regulations.

For each state and territory, there are codes of practices complementing the WHS Act 2011. You can access the approved codes of practices per state or territory in the table below.

State or Territory	Approved Codes of Practice
ACT	<a href="#">Codes of practice</a>
NSW	<a href="#">List of codes of practice</a>
NT	<a href="#">Codes of Practice</a>
Qld	<a href="#">Codes of practice</a>
SA	<a href="#">Codes of Practice</a>
Tas	<a href="#">Codes of practice</a>
Vic	<a href="#">Compliance codes and codes of practice</a>
WA	<a href="#">Approved codes of practice</a>

Some of the codes of practice that may apply to the health and community services are as follows:

- **First aid in the workplace** – May include guidelines on first aid procedures, training, contents of kits and use of equipment.
- **Hazardous manual tasks** – May include guidelines on handling objects, people and animals. It may also provide procedures for assessing and controlling the risks of manual tasks.
- **Managing the work environment and facilities** – May include guidelines on the work environment's ventilation, lighting, housekeeping and required facilities.

Aside from codes of practice on work health and safety, there are codes of practice relevant to specific industries. Some of these are as follows:

- [ACT Health Care Facilities Code of Practice 2001](#) – particular to the management of medical and dental facilities
- [Mental Health Act 2014 Community Visitors Code of Practice](#) – provides practical guidance to community visitors. Community visitors are volunteers appointed to care for people receiving mental health services
- [The Aged Care Voluntary Industry Code of Practice](#) – provides models for commitment, accountability, proactivity and continuous improvement

Practice standards are the specific guidelines in line with the codes of practice in the workplace. The practice standards emphasise what the worker should do to:

- attain an excellent work performance
- provide high-quality services.

The table below shows the practice standards for specific health and community services occupations.

Occupation	Practice Standards
Health Service Workers	<a href="#">The NSQHS Standards</a>
Aged Care Workers	<a href="#">Quality Standards</a>
Disability Workers	<a href="#">National Standards for Disability Services</a>
Social Workers	<a href="#">Practice Standards 2021</a>
Early Childhood Workers	<a href="#">National Quality Standard</a>
Dental Workers	<a href="#">NSQHS Standards Guide for Dental Practices and Services</a>
Mental Health Workers	<a href="#">National practice standards for the mental health workforce 2013</a>

These standards may include:

- promoting the rights of the client or consumers
- ensuring the safety of clients or consumers
- handling feedback and complaints
- having good leadership and governance in the service
- collaborating with relevant people.



## 1.2.4 Complaints Management

A complaint is a client's dissatisfaction with a particular aspect of your service. Every organisation needs to have an effective complaints management system. It will help to identify areas for improvement that can influence future decision-making.

The scope of compliance requirements for complaints management includes the processes, policies and procedures for:

- receiving and assessing complaints
- responding to complaints
- implementing changes based on complaints.

While there are guidelines that private organisations may follow in complaints management, these guidelines are not enacted in legislation. These will only become legally binding when written in contracts like codes of conduct. In this case, employees must agree to follow the organisation's complaints management policies and procedures.

The Australian Commission for Safety and Quality in Health Care created a handbook for complaints management. It describes an excellent approach to handling complaints.

Quality management of complaints:

- encourages feedback from the clients or consumers
- negotiates and does not dictate clients or consumers on what to do
- enables appropriate reporting, assessment and follow up action
- learns from complaints and feedbacks
- allows for continuous improvement.



### Further Reading

You can access the handbook at the link below.

[Complaints Management Handbook for Health Care Services](#)

There are systems in place in each state or territory for managing health and community services complaints. Some of them have a commissioner or ombudsman who investigates complaints. The table below contains the relevant websites and resources for addressing complaints.

State or Territory	Relevant Websites and Resources for Handling Complaints
ACT	<a href="#">Complaints Handling and Management Policy</a> <a href="#">Health Services</a>
NSW	<a href="#">Complaint Handling Resources</a> <a href="#">Health Care Complaints Commission</a>
NT	<a href="#">Complaints Management Resources</a> <a href="#">Health and Community Services Complaints Commission</a>
Qld	<a href="#">Complaints Management</a> <a href="#">Office of the Health Ombudsman</a>
SA	<a href="#">How to Handle Customer Complaints</a> <a href="#">Health and Community Services Complaints Commissioner</a>
Tas	<a href="#">Health Complaints Commissioner Tasmania</a> <a href="#">Compliments and Complaints Procedure</a>
Vic	<a href="#">Handling Complaints</a> <a href="#">Health Complaints Commissioner</a>
WA	<a href="#">Effective Handling of Complaints</a> <a href="#">Health and Disability Services Complaints Office</a>

## 1.2.5 Continuing Professional Education

*Continuing Professional Education* (CPE) develops knowledge and skills needed for a work role while performing duties and responsibilities. It is also called *Continuing Professional Development* (CPD). CPD involves:

- updating knowledge in line with recent developments in a specific industry
- developing new knowledge and skills
- practising and improving existing skills
- applying new knowledge and skills in actual work.

You can participate in CPD activities such as:

- Attending workshops, seminars or conferences
- Completing short courses, including online
- Delivering presentations at seminars or conferences
- Gaining additional formal qualifications
- Participating in relevant workplace training
- Writing peer reviewed or published papers
- Listening to webinars or podcasts related to best practice in community services
- Studying publications such as research articles and textbooks (study-based activities)
- Participating in professional supervision that is oriented to professional development
- Participating in network or community meetings where the processes are conducive to professional development (this excludes meetings undertaken as part of a job role)

These CPD activities will earn you points that are required in your field. You may need these points to renew your licence or membership in a specific organisation.

For health service workers, national law requires CPD. The Health Practitioner Regulation National Law Act 2009 states that a registered health worker must take CPD activities. It is one of the requirements to renew their licence. The table below contains the link for the related legislation in each state or territory.

State or Territory	Legislation
ACT	<a href="#">Health Practitioner Regulation National Law (ACT) Act 2010</a>
NSW	<a href="#">Health Practitioner Regulation National Law (NSW) No 86a of 2009</a>
NT	<a href="#">Health Practitioner Regulation (National Uniform Legislation) Act 2010</a>
Qld	<a href="#">Health Practitioner Regulation National Law (Queensland)</a>
SA	<a href="#">Health Practitioner Regulation National Law (South Australia) Act 2010</a>
Tas	<a href="#">Health Practitioner Regulation National Law (Tasmania) Act 2010</a>
Vic	<a href="#">Health Practitioner Regulation National Law (Victoria) Act 2009</a>
WA	<a href="#">Health Practitioner Regulation National Law (WA) Act 2010</a>

## Further Reading



The link below provides information concerning CPR for specific occupations in the health services.

### [Continuing Professional Development](#)

The legal framework for CPD for childcare professionals is established in the Education and Care Services National Law Act 2010 and the Education and Care Services National Law (WA) Act 2012 (in the case of Western Australia). CPD is described explicitly in the National Quality Framework's Quality Area 7, Governance and Leadership. Under Element 7.2.3 of this framework, workers must be regularly evaluated to determine their learning and development needs.

Compliance requirements concerning continuing professional education will include:

- providing regular performance evaluations and discussing these evaluations with staff
- providing staff with access to professional development training relevant to their work role
- providing staff with industry updates related to school-age education and care.

## Further Reading



For further information on the standards and elements of Quality Area 7, you may refer to the Guide to the National Quality Framework.

### [Guide to the NQF](#)

There may be boards and organisations regulating unregistered health workers and community service workers. They may set standards that you may need to comply with. Most likely, they have a standard focused on CPD. You will be required to undertake CPD activities to:

- be a registered worker
- renew your organisation membership.



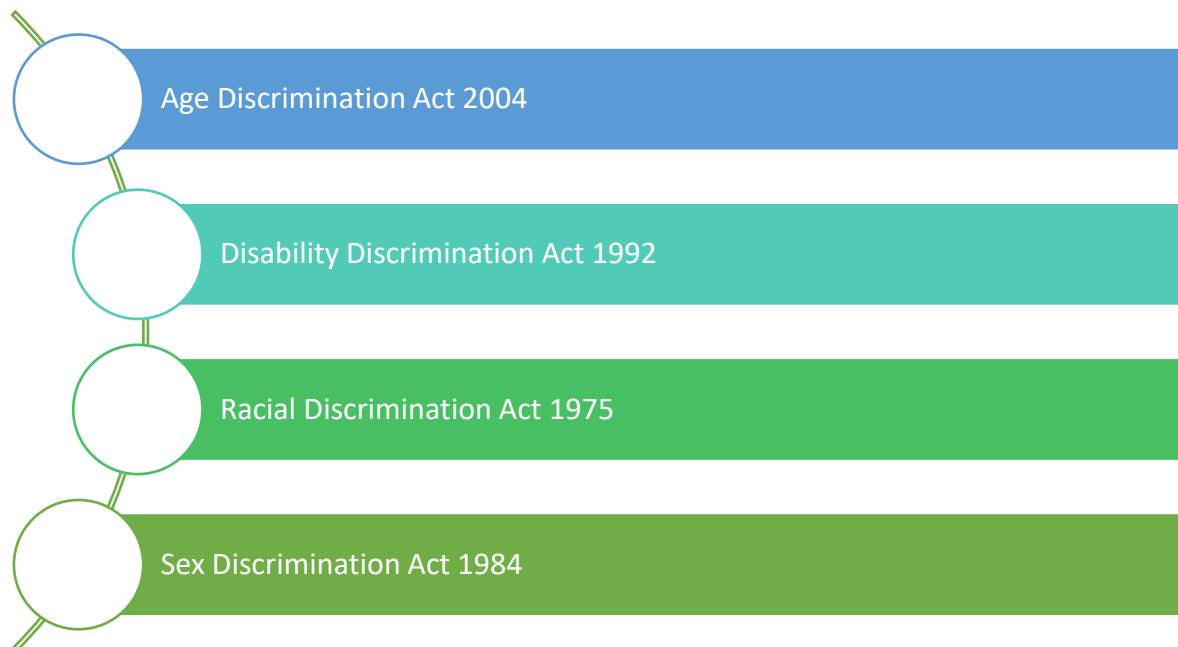
Below are some examples of boards and organisations that require CPD for specific occupations.

Occupation	Board or Organisation	CPD Requirements
Community Workers	Australian Community Workers Association	Endorsed CPD
Mental Health Social Worker	Australian Association of Social Workers	CPD requirements for AMHSWs
Disability Worker	Disability Worker Registration Board of Victoria	Registration requirements

### 1.2.6 Discrimination

Discrimination means giving unfair treatment to people due to their identity or characteristics. These may include age, disability, race, religion, sex, and gender. In Australia, it is illegal to discriminate.

This is enacted in the following federal legislation:



In addition to this, individual states and territories also have laws against discrimination. Follow the links below for the corresponding anti-discrimination legislation and guidelines for each state/territory.

State or Territory	Anti-Discrimination Legislation
ACT	<a href="#">Discrimination Act 1991</a>
NSW	<a href="#">Anti-Discrimination Act 1977 No 48</a>
NT	<a href="#">Anti-Discrimination Act 1992</a>
Qld	<a href="#">Anti-Discrimination Act 1991 No. 85</a>
SA	<a href="#">Equal Opportunity Act 1984</a>
Tas	<a href="#">Anti-Discrimination Act 1998</a>
Vic	<a href="#">Equal Opportunity Act 2010</a>
WA	<a href="#">Equal Opportunity Act 1984</a>

*Sourced from [Australia's anti-discrimination law](#), used under CC BY 4.0. © Commonwealth of Australia 2021.*

Internationally, anti-discrimination laws are based on human rights treaties, in which Australia is a party to, including seven core treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)

*Sourced from [International human rights system](#), used under CC BY 4.0. © Commonwealth of Australia 2021.*

In health and community services, you must ensure that you treat all your clients equally and fairly. The policies and procedures must comply with national and state/territory legislation.

## 1.2.7 Dignity of Risk and Duty of Care



Duty of care is a legal obligation for all workers. Workers should give reasonable care to ensure the safety of their clients. As a health or community services worker, you need to protect your client to the best of your ability. It should be in your best interest that the client not suffer from any harm. It may include physical, emotional and mental harm. Not being able to do so forms a breach of duty of care. It may have consequences depending on your organisation's policies and procedures. This will be discussed in Subchapter 1.4.

Organisations also have a duty of care to their workers. They should ensure that the workplace is free from hazards that may cause injuries or harm to the workers. They also should enforce protocols and procedures to make sure that all concerns or situations are handled in a safe manner.

The Work Health and Safety Act 2011 outlines the employers' and workers' duty of care. It states that the health and safety of others should not be at risk when carrying out your responsibilities. Each state and territory has legislation related to this. You can refer to Section 1.2.18 for the links to the legislation.

Following the provisions in the legislation, individual workers are prohibited from performing hazardous or dangerous acts. They are required to follow the organisation's policies and procedures to ensure that they do not suffer from injury or harm during the performance of their duties.



## Further Reading

You can access the Act at the link below.

[Work Health and Safety Act 2011](#)

If you are a child care services worker, you may refer to the duty of care policy in the table below:

State or Territory	Legislation
ACT	Professional conduct
NSW	Employee responsibility
NT	Duty of care
Qld	Work Health and Safety Act 2011
SA	Duty of care to children and young people policy
Tas	Education Act 2016
Vic	Duty of Care: Policy
WA	Duty of care for public school students policy

The United Nation's Universal Declaration of Human Rights includes the rights to liberty and leisure. These are the basis for the concept of dignity of risk. The dignity of risk describes the autonomy to make choices. It means that clients can still do things that may pose risks. It should be given that they are aware of the consequences.

Although there is no specific legislation about the dignity of risk, your workplace may have policies and procedures that you need to comply with. These place the client in the centre of the decision-making process. You are legally bound to follow these policies and procedures. This means that the client's wishes are considered and prioritised at all stages of service.

There are instances that you need to balance your duty of care and the client's dignity of risk. These two concepts can be conflicting. Again, the clients are allowed to engage in risky behaviours. However, you must protect them from these behaviours. Here are some examples:

- As an aged care worker, you recommended that your client (an older person) stop doing laundry due to fall risk. However, the older person still does their laundry despite the said risk.
- As an education support worker, your client (a young student) may want to use scissors. There is a risk of obtaining cuts.
- As a first responder, a casualty may refuse treatment despite being injured.



In all the given examples, the clients are facing serious risks. You can allow them to take these risks. You can also negotiate with them if applicable. Follow your organisation's policy and procedures when you encounter similar matters.



## Further Reading

Below is an example of an organisational policy and procedure regarding the duty of care and dignity of risk.

[Policy 450 - Dignity of Risk versus Duty of Care Policy 2020](#)

### 1.2.8 Human Rights

#### Universal Declaration of Human Rights

Human rights refer to all fundamental rights that each person is entitled to as a human being. These human rights are universal because they apply to all people regardless of background and beliefs. Human rights are also inalienable because they cannot be taken away. After World War II, the United Nations General Assembly first released the Universal Declaration of Human Rights. This document states and describes all fundamental human rights that must be protected. The Universal Declaration of Human Rights has since been used as a basis for other legislation and guidelines protecting the rights of people.



## Further Reading

Learn more about the Universal Declaration of Human Rights by accessing the United Nations site through the link below.

[Universal Declaration of Human Rights](#)

### Relationship Between Human Needs and Human Rights

Human needs and human rights are interrelated terms. They are often used in discussions about working with people. Human needs can only be addressed if human rights are upheld. Human rights ensure that everyone is entitled to receive support and be provided with their human needs. Human needs are essential requirements for people to survive and develop. Human rights refer to the entitlement of people to have these needs met.

As a worker in the health and community services, you must ensure that your clients' needs and rights are met in your practice. Likewise, you should expect the same treatment from your employer.

### Frameworks, Approaches and Instruments Used in the Workplace

As mentioned in Section 1.2.6, Australia is part of seven United Nations human rights treaties. These treaties are human rights instruments. To recap, these are the:

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

Convention on the Rights of Persons with Disabilities

Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination Against Women

Convention on the Rights of the Child.

These treaties are not enforceable. However, the Australian Government interprets the treaties into domestic laws in signing these treaties. They must create legislation to protect these rights. The government should also establish other measures to affect the recognised rights.

There are other international human rights treaties that define the international Human Rights Framework. These are:

- ICERD International Convention on the Elimination of All Forms of Racial Discrimination
- ICCPR International Covenant on Civil and Political Rights
- ICESCR International Covenant on Economic, Social and Cultural Rights
- CEDAW Convention on the Elimination of All Forms of Discrimination against Women
- CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CRC Convention on the Rights of the Child
- ICMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CPED International Convention for the Protection of All Persons from Enforced Disappearance
- CRPD Convention on the Rights of Persons with Disabilities
- ICCPR-OP1 Optional Protocol to the International Covenant on Civil and Political Rights
- ICCPR-OP2 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- OP-CEDAW Optional Protocol to the Convention on the Elimination of Discrimination against Women
- OP-CRC-AC Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- OP-CRC-SC Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography



- OP-CRC-IC Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- OP-CAT Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- OP-CRPD Optional Protocol to the Convention on the Rights of Persons with Disabilities
- ICESCR – OP Optional Protocol to the Covenant on Economic, Social and Cultural Rights

Additional human rights instruments include:

- International Labour Organization (ILO) Labour Standards
- International Labour Organization (ILO) Declaration on Fundamental principles and Rights at Work
- International Labour Organization (ILO) Forced Labour Convention
- Freedom of Association and Protection of the Right to Organise Convention
- Right to Organise and Collective Bargaining Convention
- Equal Renumeration Convention
- Abolition of Forced Labour Convention
- Discrimination (Employment and Occupation) Convention
- Minimum Age Convention
- Worst Forms of Child Labour Convention
- Anti-Discrimination Laws
  - Age Discrimination Act 2004
  - Disbability Discrmination Act 1992
  - Racial Dsicrmination Act 1975
  - Sex Discrminiation Act 1984



## Human Rights in Australia

The international treaties have standards for the protection of human rights. Australia has interpreted these standards as a framework. In 2010, the Australian Government developed the Australian Human Rights Framework. The framework does not include a human rights act. What it aims to do is to make information about human rights available through education. The framework established a committee on human rights. Its function is to review existing legislation for human rights compliance.

The framework has five steps in promoting human rights. These are:

- reaffirming the government's commitment to promoting awareness of human rights
- educating the community for a better understanding of human rights
- engaging with the international community to enhance the protection of human rights locally
- protecting human rights by establishing a committee on human rights
- respecting human rights through compliance review of legislations.

The action plan in this framework should promote and protect human rights.



### Further Reading

The link below provides the document for the Australian Human Rights Framework.

[Australia's human rights framework](#)

Although Australia does not have a national human rights law, some states and territories have one. These are legal instruments that protect several human rights, including civil rights, cultural rights and access to health services. The table below contains the link to the existing human rights law.

State or Territory	Human Rights Law
ACT	<a href="#">Human Rights Act 2004</a>
Qld	<a href="#">Human Rights Act 2019</a>
Vic	<a href="#">Charter of Human Rights and Responsibilities Act 2006</a>

### 1.2.9 Privacy, Confidentiality, Disclosure and Informed Consent

Privacy, confidentiality and disclosure laws protect the client's information from misuse. Privacy refers to the right of individuals to keep personal information free from access by others. Confidentiality restricts access to certain information only to people who require the information. Disclosure prescribes how certain information can be shared and distributed to people. Legal compliance requirements protect all three. The blanket law covering privacy, confidentiality and disclosure is the Privacy Act of 1988.

Organisations can apply these legal considerations by having policies, procedures and protocols for:

- collecting information regarding their clients. This includes getting informed consent before collecting information and making special adjustments to assist the person and improve communication while information is being collected.
- storing information and ensuring that it is inaccessible to unauthorised persons. Such protocols include digital security, making information confidential, redacting sensitive information and restricting access.
- securing client information. These rules prohibit any member of the organisation from disclosing identifying information to other agencies or entities aside from those allowed by law.



Workers' responsibilities are affected by these legal considerations. The following are examples of the impacts to workers:

- Individual workers are expected to understand the concept of informed consent. They are also tasked with providing the client with important information before undertaking any information collection activities.
- Individual workers are expected to understand the importance of securing the client's information. They are tasked with ensuring that all documents containing client information are stored and handled in a method consistent with the practices outlined in the company's protocols.
- Individual workers are prohibited from using client information for personal gain. This includes selling client information or providing sensitive information to marketing agencies and other external service providers for their own benefit.

Below are some examples of provisions from the Privacy Act 1988:

- In relation to privacy:
  - an individual must have access to their records when reasonable and practicable
  - an individual must be given access to their records in the manner requested.
- In relation to confidentiality:
  - information about a worker's and client's health must be kept confidential
  - information about a worker's and client's health is only given to an appropriate person with their consent.
- In relation to disclosure:
  - information shared by the client should only be used for the purpose the client agreed on
  - information shared by the client can be used for other purposes when required by another Australian law.



Clients have a right to privacy, and this must be respected. When you use information about them, you must promptly inform them of where and how their information will be used. They can also choose to disagree and not share their information with you.

While privacy, confidentiality and disclosure laws offer information protection, they also have limitations. There are some circumstances where terms may be superseded by other laws, such as when:

- the information must be disclosed as part of mandatory reporting
- non-disclosure may lead to harm
- the health and welfare of people involved are at risk
- the information is required for legal processes (e.g. court cases).



## Further Reading

You can learn more about confidentiality and privacy laws from the Privacy Act 1988 and its related rules and guidelines.

### [Privacy Act 1988](#)

The Privacy Act 1988 outlines the 13 Australian Privacy Principles. It provides guidelines in handling personal and sensitive information.

### [Australian Privacy Principles quick reference](#)

The Fair Work Ombudsman released a guide in handling private information for employers and managers. You can access it in the link below.

### [Workplace privacy](#)

## Informed Consent

Informed consent is a concept under privacy, confidentiality and disclosure. It relates to the actions an organisation must perform before using the information provided by individuals. Under informed consent, you may only use personal information when:

- you have informed your intent with the people involved
- you have obtained explicit and documented consent.

Legally, consent is only sufficient and valid when it meets specific criteria.

### Consent must be informed.

- Consent is only valid if the person giving consent is aware of the related consequences.

### Consent must be voluntary.

- People must not be forced to give their consent.

### Consent must be current and specific.

- Consent is only limited to the specific purpose requested and discussed, and should not be assumed as granted for other purposes.

### Consent must only be given by capable people.

- The person giving consent must be sufficiently capable of giving consent.

*Based on [Consent to the handling of personal information](#), used under CC BY 3.0 AU.  
Office of the Australian Information Commissioner website — [www.oaic.gov.au](http://www.oaic.gov.au)*

## Further Reading



Guidelines for consent in handling personal information are set by the Office of the Australian Information Commissioner. Follow the link below to learn more about the different types of consent.

[Consent to the handling of personal information](#)

Organisations should have policies and procedures in place for obtaining the consent of clients and their carers or families whenever sensitive or personal information must be collected prior to the administration of support services.

There should also be a set protocols for handling and using information about the clients. The organisations should set protocols on what can and cannot be done with client information. They also provide rules that prohibit disclosing client information to third parties and other entities, unless required to do so by the client and their supervisor.

To comply with the requirements of informed consent when handling information, you must:

- inform the person involved on the purpose of using the information
- tell the person concerned on the ways the information will be used
- inform the person involved on who will have access to their information
- answer questions and clarify misunderstandings that the person concerned may have
- obtain the written consent of the person allowing you to use the information.



You might be working with children or persons deemed to have impaired decision-making capacity. You should still get consent from their parents or legal guardians.

Additional, workers are prohibited to do the following:

- collect client information without consent
- discuss client information with colleagues, unless it is a part of their job tasks
- discuss client information with their friends and other people outside of the organisation

## 1.2.10 Mandatory Reporting

Mandatory reporting is a legal requirement to report known or suspected abuse and neglect cases. It focuses on cases involving children. It may also concern adults in a residential service such as aged care and mental health facilities.

Health and community service workers should adhere to mandatory reporting. Each state and territory has a principal act protecting children from abuse and neglect. There are also related acts and legislation which support the principal act.

Organisations should have policies to prevent abuse and neglect, especially if they provide services to children and elders. They should coordinate closely with law enforcement agencies whenever there are concerns or reports that a child under their care is a possible victim of abuse and neglect. They should also have procedures on how to deal with suspected abuse. It may include:

- who to contact
- how to contact
- what report or evidence should be submitted.

The types of abuse you need to report include:

financial abuse

psychological abuse

neglect

physical abuse

sexual abuse.

As a worker, you are responsible for identifying signs of abuse and neglect. Furthermore, you are expected to know how to handle situations where there is possible abuse and neglect. This involves knowing how to perform initial investigation, how to submit a formal report to the authorities, how to record information relevant to the investigation and how to keep the child safe while the investigation is pending.

If you suspect any form of abuse, you should contact the relevant state authority. Provided below are the corresponding contacts that apply to each state/territory.

State or Territory	Contact Details
ACT	Older Persons Abuse Prevention Referral and Information Line – (02) 6205 3535
NSW	Child Protection Helpline – 132 111 Ageing and Disability Abuse Helpline – 1800 628 221
NT	Child protection hotline – 1800 700 250 Police Assistance Line – 131 444
Qld	Department of Communities, Child Safety and Disability Services, Queensland – 1800 811 810 Elder Abuse Helpline – 1300 651 192
SA	(08) 8232 5377 (Adelaide) – ARAS Alliance for the Prevention of Elder Abuse – 1800 700 600 (rural)
Tas	Child protection service – 1300 737 639 Elder Abuse Tasmania Freecall Helpline – 1800 441 169
Vic	After Hours Child Protection Emergency Service – 13 12 78 Seniors Rights Victoria – 1300 368 821
WA	Elder Abuse Helpline – 1300 724 679



## Further Reading

Information in this section was sourced from and based on resource sheets published by the Australian Institute of Family Studies (AIFS). Follow the links below for more information about mandatory reporting.

[Mandatory reporting of child abuse and neglect](#)

[Reporting child abuse and neglect Information for service providers](#)

There are other relevant acts and legislation concerning mandatory reporting. You can access them at the link below.

[Australian child protection legislation](#)

### 1.2.11 Practitioner/Client Boundaries

Under the duty of care requirements, you learnt that your legal obligation is to ensure the client's safety. Their welfare and protection are entrusted to you. Duty of care is a major consideration when establishing practitioner/client boundaries. In this case, the health and community service workers are the practitioners. The clients depend on the type of service you provide. They may include, but are not limited to, children, elders and Aboriginal and Torres Strait Islander people. Boundaries are the limits that you must place on your actions and decisions. You must adhere to the duty of care requirements while maintaining a professional relationship with your clients.

Establishing clear boundaries may entail:

- limiting the services you provide to what is specified in your job description
- keeping personal or sensitive information to yourself
- not taking advantage of your client's kindness (e.g. asking for gifts, requesting personal favours).

The legal frameworks surrounding practitioner/client boundaries are the same as those of:



These are legislation and guidelines related to your clients' rights, welfare, and protection. You may review the corresponding legislation and guidelines in the appropriate sections for reference.

Organisations should have a code of conduct or ethics covering professional boundaries. This will be discussed further in Subchapter 2.2.

### 1.2.12 Policy Frameworks

A policy framework is a document that specifies guidelines in creating policies. Policy frameworks are vital because they ensure that:

- the organisational practices comply with legal requirements
- the clients receive the best and most appropriate service
- the organisations are governed properly
- the policies across the industry are consistent
- the organisations take actions towards continuous improvement.

Organisations should refer to relevant policy frameworks as they create policies in workplaces. Health and community service workers should follow and promote these policies.

Each state and territory has policy frameworks focused on health and community services. You can refer to the links in the table below.

State or Territory	Policy Framework
ACT	<a href="#">ACT Health Governance Framework 2018-2023</a> <a href="#">Legislation and Policies</a>
NSW	<a href="#">Corporate Governance and Accountability Compendium</a> <a href="#">The NSW Human Services Outcomes Framework</a>
NT	<a href="#">NT Health strategies</a> <a href="#">Northern Territory Social Outcomes Framework</a>
Qld	<a href="#">Department of Health policy framework</a> <a href="#">Human Services Quality Framework</a>
SA	<a href="#">Policy governance</a> <a href="#">Departmental legislative framework</a>
Tas	<a href="#">Policy Work</a>
Vic	<a href="#">Frameworks</a>
WA	<a href="#">Policy Frameworks</a>

The following is an example of how policy frameworks are anchored in legislation. In Western Australia, there are 20 policy frameworks covering health services. These policy frameworks are legally binding under the Health Services Act 2016. It states that the Department CEO may issue policy frameworks that service providers and their employees should follow.

### 1.2.13 Records Management

ISO 15489-1 (Information and documentation – Records management) is the international standard for records management.

The standard states that records retention should be managed to meet the current and future needs of internal and external stakeholders. This can be done by identifying the enforceable or legitimate interests that stakeholders may have in preserving the records for longer than they are required by the organization itself. Stakeholders may include business partners, clients and other people affected by the organization's decisions or actions, and others to whom the organization should make its records available to meet accountability requirements, such as auditors, regulatory authorities and investigative bodies, archives authorities or researchers.

#### Further Reading



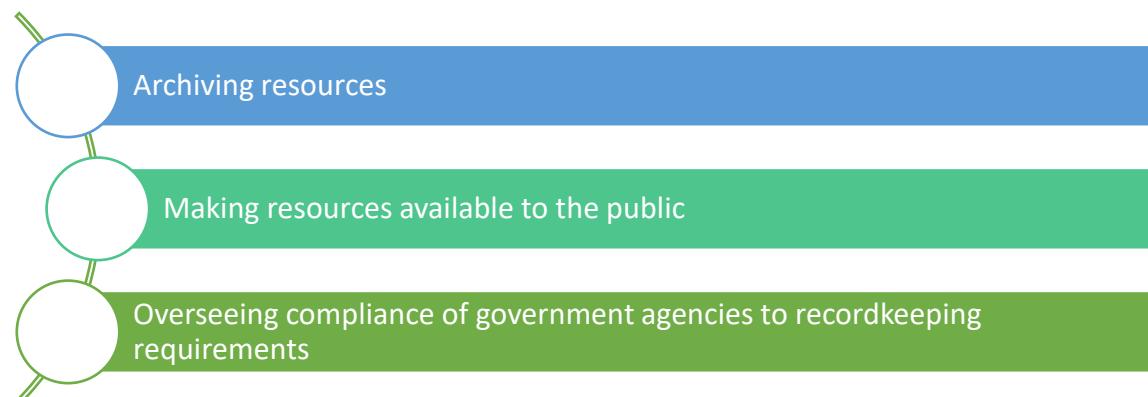
You can access the international standard for records management in the link below.

[ISO 15489-1:2016](#)

Following this, organisations should enforce rules and procedures for archiving records. This involves storing records for an indeterminate length of time, in such a way that they are only accessible to a few persons within the organisation.

These considerations have an impact to the role of workers. Individual workers are required to follow specific policies and procedures before disposing or destroying any records. Individual workers are also required to inform clients whenever their information will be stored for research, audit or other special purposes.

Australia has legislation that states the recordkeeping requirements for government files. It is the [Archives Act 1983](#). It established the National Archives of Australia, which has the following responsibilities:



Each state and territory has similar legislation. Each law ensures that public records are properly managed, which may entail:

- allowing access to government information
- allowing access to personal information
- processing application on correcting personal information
- protecting privacy rights.

The table below provides the link to the relevant legislation.

State or Territory	Legislation
ACT	<a href="#">Territory Records Act 2002</a>
NSW	<a href="#">State Records Act 1998 No 17</a>
NT	<a href="#">Information Act 2002</a>
Qld	<a href="#">Public Records Act 2002</a>
SA	<a href="#">State Records Act 1997</a>
Tas	<a href="#">Archives Act 1983</a>
Vic	<a href="#">Public Records Act 1973</a>
WA	<a href="#">State Records Act 2000</a>

These legislations apply to health and community service organisations in the public sector. These organisations must adhere to the relevant law by creating recordkeeping policies. Their policies and procedures can include:

- protecting the privacy of their clients
- principles of good recordkeeping
- classification of information (e.g. private and confidential information)
- processes on maintaining files
- procedures for clients who want to access information.

## Further Reading



The link below contains legislation on information management and legislation that includes relevant requirements.

[Information management legislation](#)

The Privacy Act 1988 covers recordkeeping's privacy, confidentiality, and disclosure aspect (refer to Section 1.2.9).

For health and community service organisations not covered by the Privacy Act 1988, it is still recommended to create policies and procedures regarding recordkeeping. It will help them to store and access critical files. It will also be beneficial for them when clients request information.

### 1.2.14 Rights and Responsibilities of Workers, Employers and Clients

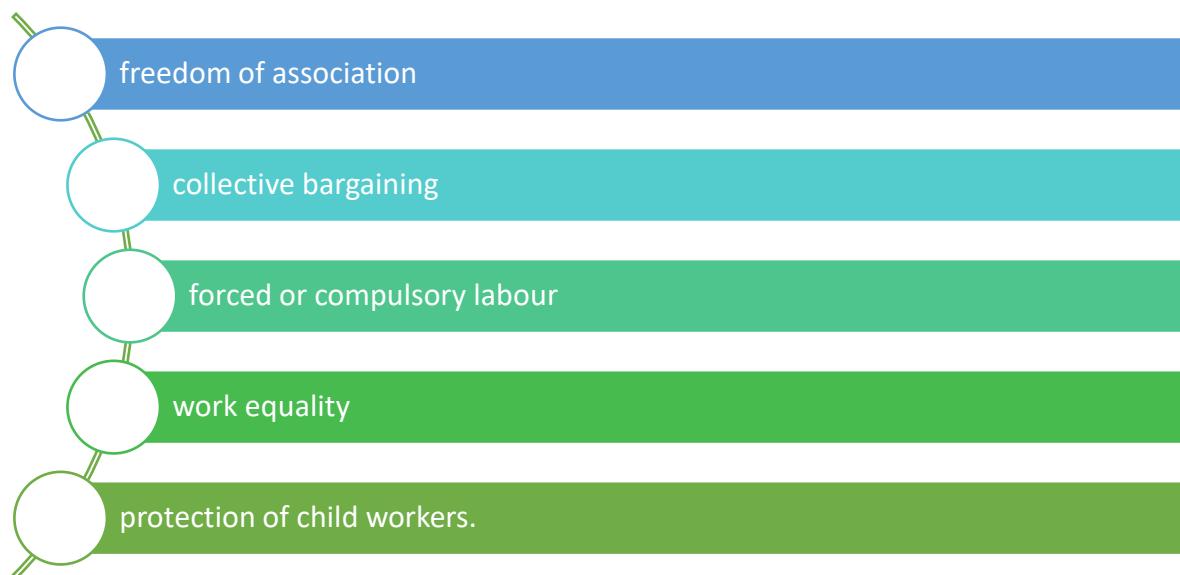
Workers, employers and clients all have rights and responsibilities stated in international treaties. These are also implemented through national laws. Rights are entitlements that belong to every person in a group for which the rights are written. These rights come with responsibilities. It ensures that, while a person is granted rights, they must exercise these rights in a way that does not step on the rights of others.



### Rights and Responsibilities of Workers and Employers

The international organisation that handles issues related to labour is the International Labour Organisation (ILO). The ILO is an agency under the United Nations that sets guidelines that promote labour standards, including the rights of workers and employers. Standards developed by the ILO are submitted to the Australian Parliament for enactments and applications of legislation that would enforce these standards.

The core standards set by the ILO in the Declaration on Fundamental Principles and Rights at Work include provisions on:



The rights to work and rights in work are also parts of a person's economic rights, as described in the International Covenant on Economic, Social and Cultural Rights (ICESCR). These rights include:

- right to work
- right to just and favourable conditions of work
- right to initiate and participate in trade union activities.

*Based on Right to work and rights in work, used under CC BY 4.0.  
© Australian Human Rights Commission 2017.*



## Further Reading

Detailed provisions on international labour standards set by the ILC are found in the link below.

[Fundamental rights at work and international labour standards](#)

For more information on rights to work and in work, access the discussion on ICESCR provisions published by the Australian Human Rights Commission through the link below.

[Right to work and rights in work](#)

When you engage in work, you are charged with general responsibilities in addition to your work role-specific duties. In the table below, you can see the general responsibilities of workers and employers.

Responsibilities of Workers	Responsibilities of Employers
Avoiding work practices that are harmful to the health and safety of yourself or others	Ensuring a safe work environment and providing protective equipment if necessary
Knowing what to do if the employer is not meeting their responsibilities	Ensuring that workers are free from discrimination and bullying
Knowing and understanding the terms and conditions of employment	Ensuring that workers receive all due entitlements

Based on [Know your workplace rights and responsibilities](#), used under CC BY 4.0.

© Commonwealth of Australia 2017

To adhere to compliance requirements, organisations should have policies and procedures that:

- uphold the rights of the workers, employers and clients
- dictate the responsibilities of workers and the employer.

The primary laws covering the rights and responsibilities of workers and employers are the following:

- [Fair Work Act 2009](#)
- [Work Health and Safety Act 2011](#)

Chapter 3 of the Fair Work Act 2009 details the rights and responsibilities of employees and employers. This law includes provisions on:

- general protections
- unfair dismissal
- industrial action
- right of entry
- stand down
- other rights and responsibilities
- corrupting benefits.

Here are the employer's responsibilities under Part 3-1 General Protections of the Fair Work Act 2009:

- An employer must not take adverse action against another person because the other person has exercised, or proposes to exercise a workplace right.
- An employer must not take adverse action against another person to prevent the exercise of a workplace right.
- An employer must not coerce another person to exercise, not exercise, or propose to exercise or not exercise a workplace right in a particular way.
- An employer must not exert undue influence or undue pressure on an employee in relation to a decision by the employee about an agreement concerning work-related matters.
- An employer must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person.



In relation to pay slips, the employer's has the following obligations:

- An employer must give a pay slip to each of its employees within one working day of paying an amount to the employee in relation to the performance of work.
- The pay slip must be in a form prescribed by regulations, if such a form exists
- The pay slip must include any information prescribed by the regulations.

An employer has a right to stand down an employee. Stand down means asking employees to not work without pay. Under the following circumstances, the employer can stand down an employee provided that there is no enterprise agreement or contract of employment that prevents the employer from doing so:

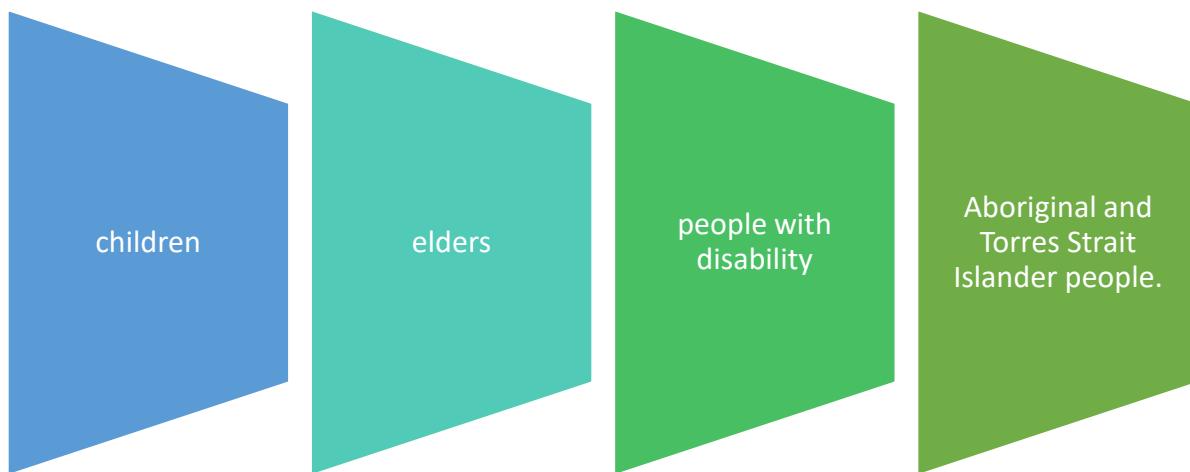
- During industrial action (other than industrial action organised or engaged in by the employer)
- In the event of a breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown
- In the event of a stoppage of work for any cause for which the employer cannot reasonably be held responsible

*Based on content from the Federal Register of Legislation at 12 April 2022 For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Fair Work Act 2009, used under CC BY 4.0*

Part 2 of the Work Health and Safety Act 2011 contains provisions on workers and employers' health and safety duties. Under this law, the employer has the primary duty of care to ensure the health and safety of all workers involved with the organisation. On the other hand, workers must take reasonable care of their health and safety and other persons they work with. This includes abiding by organisational policies and procedures related to health and safety.

### Rights and Responsibilities of Clients

The clients in the health and community services are diverse. They may include:



Your clients' rights are anchored in international human rights treaties (see Section 1.2.8). Australia has national legislation promoting and protecting human rights to adhere to these treaties. These laws were already mentioned in previous chapters. Examples are:

- Disability Discrimination Act 1992
- Privacy Act 1988
- Age Discrimination Act 2004.

In the treaties and legislation, some fundamental rights apply to your clients:

- Right to protection against all forms of discrimination
- Right to care and protection services that comply with standards such as safety and health
- Right to freedom of expression, thought, conscience and religion
- Right to protection from all forms of harm
- Right to equal opportunities in education and development

As mentioned, rights should be balanced with responsibilities. It ensures that everyone can exercise their rights equally. This means that clients should also have responsibilities when accessing and utilising your services. The general duties of clients may involve:

- respecting the rights of employees
- treating employees without discrimination
- abiding by the terms of a written agreement
- accepting responsibility for own actions and choices even though some actions and preferences may involve an element of risk.

As an employee, you may need to remind the clients of their rights and responsibilities. You may take the necessary actions specified in your workplace policies and procedures.

### **1.2.15 Industrial Relations Legislation and Requirements Relevant to Organisation**

Legislation on industrial relations prescribes the minimum requirements for employment and wages that your organisation must follow. These ensure that workers are fairly treated as specified in the Fair Work Act 2009. In particular, this Act prescribes:

- terms and conditions of employment for different fields
- employment rights and responsibilities of employees, employers and organisations
- enforcement and administration of the Act.



The Act established the Fair Work Commission and the Fair Work Ombudsman as the governing bodies that monitor implementation. Together, these governing bodies prescribe industrial awards for employees in different industries. Awards are documents that provide guidelines on employment conditions and pay rates. For the health and community services, the relevant awards are as follows:

- [Social, Community, Home Care and Disability Services Industry Award \[MA000100\]](#)
- [Health Professionals and Support Services Award \[MA000027\]](#)

It dictates the following about workers in community and health services:

- Types and classifications of employment
- Hours of work
- Wages and allowances
- Overtime and penalty rates
- Leave and public holidays
- Consultation and dispute resolution
- Termination of employment and redundancy

Your organisational policies and procedures must be aligned with the provisions in the relevant award. This is to comply with the requirements of industrial relations and awards. Legislation on industrial relations also protects against discrimination based on industrial activity. It is illegal to discriminate against workers for their membership and participation in industrial organisations and activities. Employers also have a responsibility to ensure that their employees do not face discrimination based on industrial activity.



### Further Reading

If mentioned awards do not cover your work role, you can search for the appropriate award at the link below.

[Find my award](#)

### 1.2.16 Specific Legislations in the Area of Work

Each area of work in the community and health services may have specific legislation. Like all other laws discussed, the specific legislation ensures that:

you can do your tasks properly

you have the appropriate training for your work

you can provide the best service to the clients

you are protected as an employee.

You should research the legislation applicable to your area of work. You can follow the procedures in Subchapter 1.1. Aside from the listed sources in that subchapter, you can:

- refer to relevant workplace documents
- ask your supervisor

to help you identify other applicable laws to your area of work.

Below are some examples of specific legislation applicable to some community and health service workers.

### **Guardianship**

A guardian is a legally appointed person who can make decisions on behalf of another person. They can decide on matters such as:

- medical treatment
- financial transactions
- housing arrangements.

Usually, vulnerable people have legal guardians. They can include:

- elders
- children
- people with:
  - low literacy level
  - low socioeconomic status
  - impaired intellectual functioning
- people who:
  - cannot speak the local language
  - who experienced human exploitation
  - are Aboriginal or Torres Strait Islanders.



*Based on [Vulnerable Persons or People](#), used under CC BY 4.0. © Commonwealth of Australia 2018*

You may encounter a vulnerable person as a client. Remember to consult and obtain consent from their guardians as needed.

Below are the guardianship legislation in each state and territory.

State or Territory	Legislation
ACT	<a href="#">Guardianship and Management of Property Act 1991</a>
NSW	<a href="#">Guardianship Act 1987 No 257</a>
NT	<a href="#">Guardianship of Adults Act 2016</a>
Qld	<a href="#">Guardianship and Administration Act 2000</a>
SA	<a href="#">Guardianship and Administration Act 1993</a>
Tas	<a href="#">Guardianship and Administration Act 1995</a>
Vic	<a href="#">Guardianship and Administration Act 2019</a>
WA	<a href="#">Guardianship and Administration Act 1990</a>

## Cultural Safety

Cultural safety is about creating an environment where people feel safe acknowledging and acting on their culture. A culturally safe environment means there is no racism and discrimination.

Aboriginal and Torres Strait Islander people face cultural safety issues when accessing community and health services. There is unequal treatment between Indigenous and non-Indigenous Australians. The Australian government recognised this and developed national strategies to address them. One example is the Cultural Respect Framework for Aboriginal and Torres Strait Islander Health. This framework has the following goals:

- Improve the health status of Aboriginal and Torres Strait Islander peoples
- Adopt policies that will emphasise the cultural safety of Aboriginal and Torres Strait Islander people
- Promote respectful practices in the health care system

If you work with Aboriginal and Torres Strait Islander peoples as clients and colleagues, consider their cultural safety. You must provide community and health services that are:

- safe
- accessible
- responsive.

Research on specific legislation focused on Aboriginal and Torres Strait Islander peoples. You can also read organisational policies regarding cultural safety. Some applicable laws were already discussed in the previous sections, such as discrimination laws.

### Restrictive and Prohibited Practices

Restricted practices refer to any practice or intervention that limits the rights or freedom of a person. A restrictive practice may be authorised within a reasonable parameter. There are regulatory bodies that monitor these practices. You should comply with legal requirements if it were used. One requirement is to document it in behaviour support or individualised plan.



In comparison, prohibited practices should never be used. These practices are against the law. Prohibited practices may include:

- corporal punishment (e.g. smacking or hitting)
- denying access to basic needs or supports
- over-correction (e.g. making a child clean an entire room because they dropped food on the floor)
- humiliating a person
- unethical practices (e.g. using cigarettes as a reward).

*Based on [Positive behaviour](#), used under CC BY 4.0. © State of New South Wales  
(Department of Communities and Justice)*

Some may implement these practices to manage the behaviour and condition of the client (e.g. student, elderly). As a community and health service worker, you must:

- avoid the use of restrictive practices and use it only as a last resort
- avoid the use of prohibited practices.

These practices go against the human rights law of your clients.

## Regulation of Health Practitioners

The practice of health workers is regulated by the Health Practitioner Regulation National Law. This law is implemented in each state/ territory. It ensures that support workers do not take on the responsibilities of medical practitioners and pharmacists that they are not qualified to perform. Some of these responsibilities include:

- prescribing medications
- performing surgeries
- diagnosing illnesses



### Further Reading

You can access the health practitioner regulation law for each state and territory at the link below.

[Legislation](#)

There are other applicable laws to your area of work. Again, you can refer to Subchapter 1.1 on identifying and accessing relevant legislation to your role.

### 1.2.17 Work Role Boundaries – Responsibilities and Limitations

Your responsibilities and limitations define your work role as an employee. Responsibilities refer to tasks an employee must perform at work, while limitations refer to actions beyond the scope and control of the employee's work role.

The legal framework for work role boundaries can be found in the Fair Work Act 2009. This law guides productive and inclusive workplace relations through provisions on:



- terms and conditions of employment
- rights and responsibilities of employees, employers and organisations.

*Based on content from the Federal Register of Legislation at December 23, 2021. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Fair Work Act 2009, used under CC BY 4.0*

Workers in the community and health services have varying responsibilities. You may find your specific duties in your job contract and organisational policies. Limitations may not be explicitly stated, but you should refrain from doing tasks not specified in relevant documents. However, in some cases, a supervisor may require you to do additional jobs within your knowledge and skills.

Study the table below for examples of responsibilities and limitations. The examples are relevant to specific occupations in health and community services.

Occupation	Responsibilities	Limitations
Dental Assistant	<ul style="list-style-type: none"> <li>▪ Prepare dental instruments</li> <li>▪ Maintain inventory of dental supplies</li> <li>▪ Prepare patients for dental procedures</li> </ul>	<ul style="list-style-type: none"> <li>▪ Should only do dental suctioning procedures as required</li> <li>▪ Cannot prescribe pain medications for toothache</li> </ul>
Mental Health Peer Worker	<ul style="list-style-type: none"> <li>▪ Support clients in setting their goals</li> <li>▪ Refer clients to relevant services</li> <li>▪ Recommend techniques to clients to support their recovery</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cannot diagnose mental health illness</li> <li>▪ Can only provide advice up to their level of knowledge and training</li> </ul>
Educational Support Worker	<ul style="list-style-type: none"> <li>▪ Assist in the implementation of the children's program under supervision</li> <li>▪ Assist in the implementation of daily care routines</li> <li>▪ Give each child individual attention and comfort as required</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limited knowledge and experience in children's services</li> <li>▪ Can only take limited responsibility for own work</li> </ul>

For additional information about employee responsibilities and limitations, you can access the relevant award in Section 1.2.15.

## 1.2.18 Work Health and Safety

Legislation and guidelines on Work Health and Safety (WHS) are in place to minimise or prevent health and safety risks in the workplace. In general, WHS laws cover various situations that workers in any field may encounter. WHS is a set of legislation and guidelines that set best practices in:

- protecting your health and safety at work
- helping workers care for their health and safety
- preventing any threat to you and your colleagues' health and safety
- reporting notifiable incidents
- preventing any danger to the health and safety of clients.

Safe Work Australia is the national government entity that develops and evaluates model WHS laws. From these model laws, states and territories set and implement their respective WHS laws to ensure that WHS principles are effectively applied to their context.

State or Territory	Legislation
ACT	<a href="#">Work Health and Safety Act 2011</a>
NSW	<a href="#">Work Health and Safety Act 2011 No 10</a>
NT	<a href="#">Work Health and Safety (National Uniform Legislation) Act 2011</a>
Qld	<a href="#">Work Health and Safety Act 2011</a>
SA	<a href="#">Work Health and Safety Act 2012</a>
Tas	<a href="#">Work Health and Safety Act 2012</a>
Vic	<a href="#">Occupational Health and Safety Act 2004</a>
WA	<a href="#">Work Health and Safety Act 2020</a>

*Based on [Law and regulation](#), used under CC BY 4.0. © Commonwealth of Australia.*

Organisations should have work health and safety policies and procedures. These may include:

- manual handling techniques
- available services for mental health issues
- workplace environment (i.e. using ergonomic equipment)
- first aid in the workplace
- reporting notifiable incidents
- risk assessment.

Health and community service workers should follow work health and safety policies and procedures. It is one way of preventing workplace injuries. You should also utilise support and services when you need them.



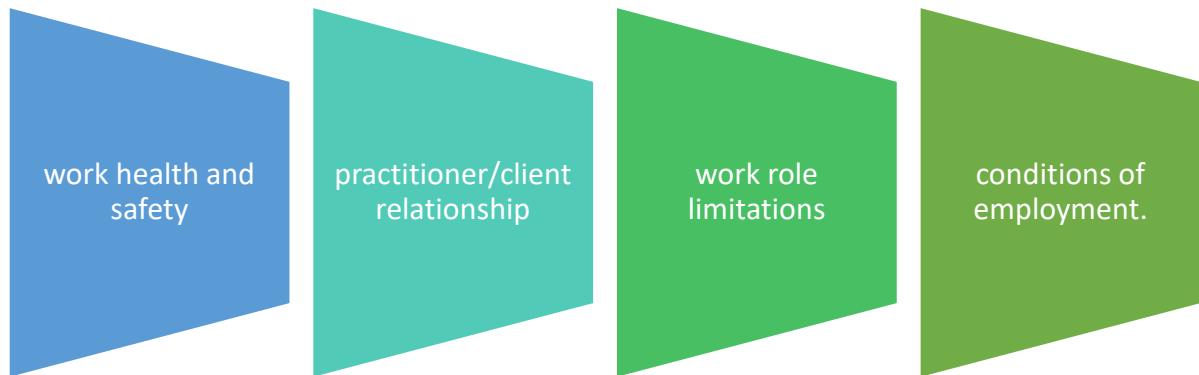
### Checkpoint! Let's Review



1. Workers have their legal rights and responsibilities. Some of these rights are equal opportunity, remuneration and trade unions. Some of the responsibilities include providing quality service and adhering to workplace policies.
2. You need to be aware of legal considerations as a health and community service worker. You can check the applicable laws to your role. It may include laws regarding privacy, human rights and children in the workplace.

## 1.3 Adhere to Legal Requirements in Work Practices

In the previous subchapter, you identified your legal rights and responsibilities. These should be reflected in all aspects of your work practice. The aspects may include:



This subchapter will discuss the procedure on how to follow legal requirements. Complying with legal requirements should be done according to the workplace policies and procedures and the scope of one's role. Below are the definitions of the terms used.

- *Policies* refer to the statement of the organisation's intentions to achieve particular outcomes.
- *Procedures* refer to the appropriate way of going about a task.
- *Scope of role* refers to the extent of one's duties as an employee of an organisation.

To adhere to legal requirements, you may follow these steps:

- 1. Determine your area of work.**

To determine your area of work, you must ask the following questions:

- What type of service are you providing?
- Who are your prospective clients?
- What kind of activities will you be planning and implementing?
- What resources will you need to run the service?

You can answer this by looking at your employment contract (which contains the scope of your role). You can also ask your supervisor or other appropriate personnel if you need clarifications.

## 2. Check relevant documents to identify legal requirements.



Your workplace policies mention legal requirements applicable to your work role and the whole organisation. Your workplace may store their policy documents in a filing cabinet or a computer. Ask the relevant personnel to access them.

Policies are the principles of the organisation that guide decision-making and service delivery. They are often based on legislation (Commonwealth and state/territory). Below are some examples of workplace policies.

- Workplace health and safety policy (based on work health and safety laws)
- Privacy policy (based on privacy laws)
- Anti-discrimination policy (based on discrimination laws)
- Vacation and leave policies (based on industrial awards)
- Dress code (based on codes of conduct)

## 3. Apply or accomplish the legal requirements.

To do this, you need to follow your workplace procedures. Procedures are the detailed instructions on how employees will meet organisational policies. They can be about:

- daily operations
- organisational plans
- company strategies.

The table below shows some examples of procedures anchored in workplace policies.

Policy	Procedure
<b>Workplace Health and Safety Policy</b>	<ul style="list-style-type: none"> <li>▪ Manual handling techniques</li> <li>▪ Proper handwashing procedures</li> </ul>
<b>Privacy Policy</b>	<ul style="list-style-type: none"> <li>▪ Handling client's personal information</li> </ul>
<b>Recordkeeping Policy</b>	<ul style="list-style-type: none"> <li>▪ Information storage</li> <li>▪ Archiving information</li> </ul>
<b>Mandatory Reporting Policy</b>	<ul style="list-style-type: none"> <li>▪ Reporting abuse and neglect</li> </ul>
<b>Anti-Discrimination Policy</b>	<ul style="list-style-type: none"> <li>▪ Employee complaints</li> <li>▪ Client complaints and feedback</li> </ul>

The following case studies will give you a better idea of adhering to legal and ethical requirements while doing workplace activities.

### **First Responder**

The first responder answered an emergency call. It was from a mother. She said that her child fainted.

When the responder arrived at the scene, he evaluated the situation. There were no hazards that posed risks to anyone in the area. He assessed the unconscious child. The child needed cardiopulmonary resuscitation (CPR).

Before the treatment, the first responder asked for the mother's consent. He explained the procedure and the need for it. The mother understood and gave him her consent. He then proceeded to do CPR.

In the case study, the workplace activities are:

- responding to an emergency
- obtaining consent
- doing first aid procedures.

The discussion will focus on 'obtaining consent'. The responder is legally required to ask for consent before doing any procedure. Since the casualty was an unconscious child, he asked for the mother's permission. He also made sure that the mother understood the process entirely. By doing so, he demonstrated transparency and respect.

### Aged Care Worker

An aged care worker assisted in a risk assessment. The result showed that the older person was incontinent. The worker recommended the use of continence pads. However, the older person did not want to use them due to shame. The aged care worker respected the client's preference. She suggested other options for the older person.

In the second case study, workplace activity assists in risk assessment. The aged care worker fulfilled her legal obligation (duty of care). She worked ethically by balancing it with the client's dignity of risk.

### Youth Worker

A youth worker evaluated a program in a remote community. The participants were young Aboriginal and Torres Strait Islander people. She wanted to see if the program effectively addressed the needs of the young people.

She conducted a group discussion with the participants. The worker asked for the participant's feedback. She acknowledged what they had to say. She used their suggestions for the improvement of the program.

In this last case study, the workplace activity is program evaluation. The youth worker made the young Aboriginal and Torres Strait Islander people feel heard and respected. She showed that their feedback was valuable. She did not discriminate against her participants. In doing so, she worked legally and ethically.

### Checkpoint! Let's Review



1. The aspects of your practice may include:
  - work health and safety
  - practitioner/client relationship
  - work role limitations
  - conditions of employment.
  
2. To adhere to legal requirements, you may follow these steps:
  - i. Determine your area of work
  - ii. Check relevant documents to identify legal requirements
  - iii. Apply or accomplish the legal requirements

## 1.4 Report Breaches

Breaches occur when there is a failure to comply with a legislative obligation. It can happen through:

technical difficulties

human error

misinterpretation issues

a deliberate act.

A breach can either be a potential or an actual breach. A *potential breach* occurs when a person intends not to comply with their legal obligation. You can recognise a potential breach through:

- statements made by a person (i.e. verbal or written notification)
- actions by a person (i.e. not cooperating).

An *actual breach* is when non-compliance has already occurred. It means that a person did not fulfil their legal obligation. To recognise an actual breach, you need to check if a person:

- is finished with their duties
- is doing their responsibilities properly
- is following what is agreed upon in a contract.

If they are not, their action (or lack thereof) constitutes an actual breach.

## Reporting a Breach

When you are faced with issues and breaches, it is best to report them according to organisational procedures. You may also consult relevant persons first. You can see how other people in your organisation can help you address issues or breaches in the table below.

Workplace Role	How They can Help in Addressing Issues or Breaches
Employees	<ul style="list-style-type: none"> <li>▪ By giving suggestions based on their experiences at work</li> <li>▪ By raising concerns of possible issues and breaches that they encounter at work</li> </ul>
Direct Supervisor	<ul style="list-style-type: none"> <li>▪ By giving advice based on previous management experiences</li> <li>▪ By coordinating with regulatory authorities</li> </ul>
Compliance Officer	By providing information on and interpretation of compliance requirements

Note that workplace roles may vary depending on the size of your service's operations. In some cases, you may need to seek external advice. An example of that is Human Rights. It offers free services in addressing issues and breaches.

Actual and potential breaches should be reported. You should notify the relevant person or organisation as soon as you have become aware of the breach. Immediately reporting actual and potential breaches will help prevent and resolve conflicts in the workplace.

*Based on material provided by the National Health and Medical Research Council. Guide to managing and investigating potential breaches of the Australian Code for the Responsible Conduct of Research, 2018, used under CC BY 4.0*

Every organisation may have a different process for reporting a breach. In general, the procedures should include the following:

### 1. Gathering evidence

The first step is to gather pieces of evidence of the breach. Document the information that will support your claim. Your documentation may include:

- the breached contract
- messages (e.g. e-mails, texts)
- photos.

## 2. Writing a complaint

You must write a complaint instead of just verbally reporting it. The written complaint serves as a:

- reference for the investigator and people involved
- documentation which helps in maintaining compliance with legal requirements.



Your workplace may have a template or form for written complaints. You can use that. Some organisations also have an online form that you can fill out. Usually, you need to include the following information:

- Date of breach
- Location of breach
- The person who committed the breach and their role in the organisation
- Explanation of how you became aware of the breach
- Description or summary of the breach

When writing a complaint, you have an option to remain anonymous. However, this may affect the investigation of the breach. The investigator may not contact the correct person to ask for further details, especially if the report lacks details.

## 3. Submitting the complaint to the relevant person or organisation

Your workplace procedure may state that you submit the report to your supervisor or the compliance officer. You can also directly submit it to the relevant organisation. For example, you should report abuse to the appropriate reporting authority in your state/ territory.

Remember to include the evidence you have gathered when submitting a complaint.

The process below shows what happens after you file a complaint.



In the process above, the following guidelines will help ensure that the result will be just and unbiased.

- A worker should be given information and a reasonable opportunity to make a statement before a determination is made concerning a suspected breach of legal considerations.
- The organisation head should take reasonable steps to ensure that a person who determines whether a worker or client has breached is, and appears to be, independent and unbiased.
- There should be a written record noting the outcome of the investigation.

*Based on [Law and regulation](#), used under CC BY 4.0. © Commonwealth of Australia.*

### 1.4.1 Consequences of Breaches

Noncompliance with legal and ethical requirements has its consequences. It may affect you, your colleagues, clients and the whole organisation. The following sections will discuss what may happen if you do not follow the legal and ethical considerations discussed in Subchapters 1.2 and 2.2.

#### Children in the Workplace

Children could be left in dangerous situations if workers do not follow legal and ethical considerations when children are in the workplace. You, your colleagues and the workplace will be held accountable for whatever happens to the children in your care. The following situations may happen:

- The family of the children may pursue legal action.
- You and your colleagues may lose your job.
- The organisation may receive a bad reputation.



Breaches can also cause a child to develop attitudes and behaviours that are unhealthy and inappropriate. They can also cause a child emotional trauma which may lead to developmental issues or behavioural issues.

### **Code of Conduct**

Not following the code of conduct in your workplace may result in:

- termination of employment
- reduction in classification
- re-assignment of duties
- reduction in salary
- deductions from salary.

Aside from these, the client's health may be placed in danger.



The employee and organisation (if found at fault) will also face legal action as a result of providing services without the required qualifications.

The client's rights to self-determination and dignity of risk are also breached. Their quality of life is reduced as they are forced to become reliant on the decisions of others.

### **Code of Practice and Practice Standards**

If you breach the code of practice and practice standards, the following sanctions may be applied to you:

- Reprimand (verbal or written)
- Performance management and training
- Dismissal
- Legal action
- Loss of registration from professional associations

Your organisation may lose its funding. Its reputation may also be damaged.

If the client is not assisted in communicating with other service providers, the client may feel that their desires and preferences are not being considered by the organisation, or that they are being left out of decision-making processes that are relevant to their own care. The clients' rights and welfare may be badly affected as well.

## Complaint Management

Not attending to complaints is a breach. It will most likely cost you a client. Potential clients may lose interest in the organisation. Never ignore a complaint because it might result in a more significant problem later.

## Continuing Professional Education

Organisations that do not place value in the professional development of their staff are at risk of not having personnel with knowledge or expertise to comply with changing practices and protocols based on national or local standards relevant to the community services and health industry.

Not complying with continuing professional education (or development) affects your career growth. The consequences of not engaging in CPD activities can include:

- outdated knowledge and skills
- being ineffective and inefficient in your role
- being unable to contribute to the organisation
- being unable to renew your licence
- being unable to renew your membership in organisations.

## Discrimination

An organisation that does not have measures to prevent discrimination in the workplace is liable to penalties under relevant legislations on duty of care and anti-discrimination. Clients and workers who feel discriminated may file complaints that can cause stoppage of service.

Complaints on discrimination against you or your workplace can result in an investigation. You must comply with the investigator and the relevant processes during an investigation.

## Dignity of Risk and Duty of Care

Noncompliance to the duty of care constitutes negligence. Negligence may result in:

- legal action
- physical injuries (to clients)
- damage compensation
- salary reduction
- termination of employment.

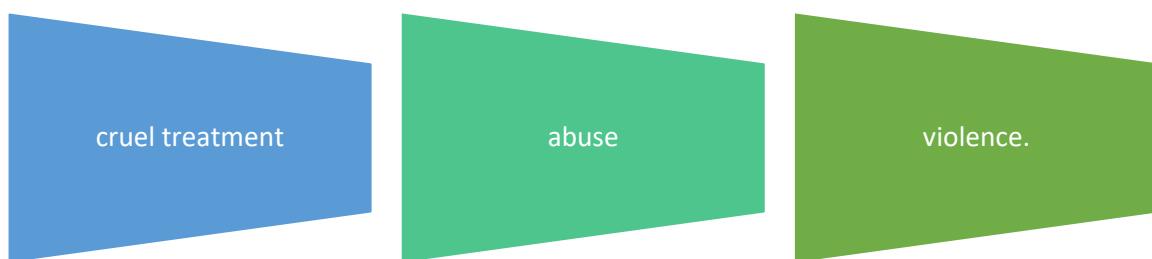
Courts and negligence law do not expect workers to shield their clients from all possible risks. Instead, they hope workers take reasonable care (to be sensible and cautious) in their work. They also expect workers to value the client's dignity of risks. There are also consequences if the dignity of risk is ignored. Clients' health and well-being may be put at risk. Individual workers and the organisation may be held liable for injuries or harm caused to clients because of neglect, the use of unsafe practices, performing actions that are not aligned with relevant standards and other offenses. Breaching dignity of risk and duty of care may also lead to:

- the client not achieving their full potential
- affected self-esteem and confidence
- affected motivation
- lose of interest in daily activities
- negative stereotypes
- adverse effects on the client's quality of life.

## **Human Rights**

A breach of this consideration is a breach of human rights. It is thus subject to intervention and investigation by the Australian Human Rights Committee. Clients whose freedom of speech and expression is denied may become frustrated or uninterested in cooperating with workers who do not respect their ideas and opinions.

Human rights violations may take any of the following forms:



People who are subjected to these kinds of treatment may experience negative impacts on their:

- socio-emotional wellbeing
- physical condition
- psychological welfare.

If a client experiences human rights violation, they can file a case. The court shall commence legal proceedings.

## Privacy, Confidentiality, Disclosure and Informed Consent

For the worker who breached the requirements, consequences may include:

- a written explanation of:
  - how and why the problem occurred
  - how you or the workplace will solve the problem
- an apology to the complainant
- a change of work responsibilities
- other disciplinary actions as determined by the employer
- loss of employment.



Forcing a client to give their consent is a violation of human rights and can cause a client to feel unimportant or incapable of making their own decisions. It may also lead to added stress for the client and can cause them to lose faith or trust on the organisation. The clients affected by this breach may also be exposed to risks such as identity theft and fraud. Their information may be used for illegal transactions.

## Mandatory Reporting

Failure to comply with mandatory reporting may constitute a criminal offence. Failure to report in a proper and timely manner can also cause the report to become invalid. In this circumstance, you allow the victim to be unprotected since their abuser can continue to maltreat them.

## Practitioner/Client Boundaries

Crossing of practitioner-client boundaries can result in possible cases of abuse. There is also a possibility that clients will become comfortable with asking for favours and other services beyond the worker's job role. Finally, workers who become emotionally invested in their clients may suffer if the client leaves or passes away.

Overstepping your professional relationship with the clients may result in disciplinary actions. However, severe violations of these boundaries may become legal issues.

## Policy Framework

If a system is not in place to manage the workforce properly, clients may be provided with inconsistent levels of care and may become frustrated. They may also start comparing the treatment they receive from their support workers.

Legal issues may arise if workplace policies are not aligned with policy frameworks. It may be because:

- industry standards are not met
- clients do not have adequate care and service
- improper management of the workplace
- there are no systems for accountability and continuous improvement.

## Record Management

Breaches of this consideration can cause mishandling of sensitive information and can result to the client losing their privacy. This can result to the clients losing their trust in the organisation.

The organisation may also be held liable for not complying with audit regulations. The organisation may also be questioned by authoritative bodies in the community services and health industry regarding the lack of archived data and information that are necessary to create reports and study trends for audit and research purposes.

Inadequate record management may result in:

- waste of time in retrieving information
- delayed processes
- inability to provide the necessary documentation.

When you cannot provide records asked by authorised officers, it may result in legal issues. They can report your organisation to relevant regulatory agencies or other appropriate authorities. One of the effects is that your workplace may lose its funding.



## Rights and Responsibilities of Workers, Employers, and Clients

Complaints about breaches of the rights and responsibilities of the care worker, employers, and the client may be dealt with by:

- state or territory governments
- federal government bodies (depending on the industry sector).

Every organisation in every state and territory has its way of responding to breaches of rights and responsibilities.

Breaches of these rights and responsibilities may result in:

- unsafe work conditions and can result to casualties, injuries or health issues.
- injuries to workers and damage to equipment and facilities in the workplace.
- health issues and concerns for the client. This includes allergic reactions, worsening of health conditions or in the worst case, death.



You can also check the Fair Work Act 2009 for specific consequences of breaches of rights and responsibilities of workers and employers.

## Industrial Relations Legislation and Requirements Relevant to Organisation

Specific industry relations legislation breaches often result in an organisation ceasing production until they finish rectifying the violation. The loss of production automatically follows a loss of income, resulting in the company going out of business in a worst-case scenario.

## Specific Requirements in Work

If you breach specific requirements at work, your employer may try to settle the matter with you first. However, in cases of severe violations, your workplace or client may sue you for damages.

## Work Role Boundaries – Responsibilities and Limitations

It would be best to work within the scope of your responsibility. Going beyond these limitations may result in:

disciplinary action

reprimand

performance training and management

harm to client

legal action against you or your employer.

Here are possible consequences that can result from an employee not maintaining a clear boundary between themselves and their client:

- The client may exhibit inappropriate behaviour and make excessive or difficult demands
- The employee may run into awkward situations with the clients and their family or loved ones
- The employee may experience emotional pain when the client leaves or passes away
- The employee may be subject to legal actions or investigations for possible abuse of older people
- The client may refuse to be assigned a different worker, making it difficult for the employer or organisation to accommodate the employee in cases where the employee needs to take vacation or emergency leaves.

The following are possible consequences that can result from an employee crossing boundaries between themselves and other workers in the organisation:

- The employee can become stressed or fatigued
- The employee can become a victim of abuse
- The employee can put colleagues into difficult personal situations with their family or loved ones
- The employee and other people involved may become subject to disciplinary or ethical hearings and investigations
- The employer may have to make time-consuming and financially impactful adjustments to work arrangements to rectify issues caused by the boundary-crossing.



## Work Health and Safety

Not having a proactive approach to identifying risks and hazards can result to an abundance of injuries, harm and unnecessary health concerns for workers and clients alike.

A breach may lead to:

- injury or illness of worker or client
- a fatal incident
- damage of property
- a lawsuit if the affected individual files a case.

## 1.4.2 Legal Issues

Breaches can cause legal issues. Legal issues are things that happen that has legal implications.

The following discussion enumerates some types of legal issues that may arise in your health and community services work and how you can respond to them.

### Discrimination

Discrimination is the unfair treatment of people due to their identity or characteristics. You may experience discrimination due to your age, disability, race, religion, sex or gender.

Below are some examples of discrimination in the workplace.

- A female employee was not promoted because of her gender.
- A Muslim candidate was not hired because the company believes that his religious practice hinders his work.
- A person receives a lower salary than his colleagues because of his disability.



The examples show a violation of Australian anti-discrimination laws. The people in the scenario can respond by:

- discussing the situation to the employer
- filing a complaint to the state/territory authority responsible for anti-discrimination
- filing a complaint to the Australian Human Rights Commission.

## Harassment

Harassment involves unwanted words and actions that offend, intimidate or humiliate another person. Similar to discrimination, legal issues will arise if a person is mistreated due to personal characteristics. Examples of workplace harassment include:

- insulting a colleague because of his race
- asking clients intrusive questions about their personal life
- making a derogatory comment about someone's sexual orientation.

## Unfair Labour Practices

These are practices that violate the Fair Work Act 2009. Some examples of unfair labour practices include:

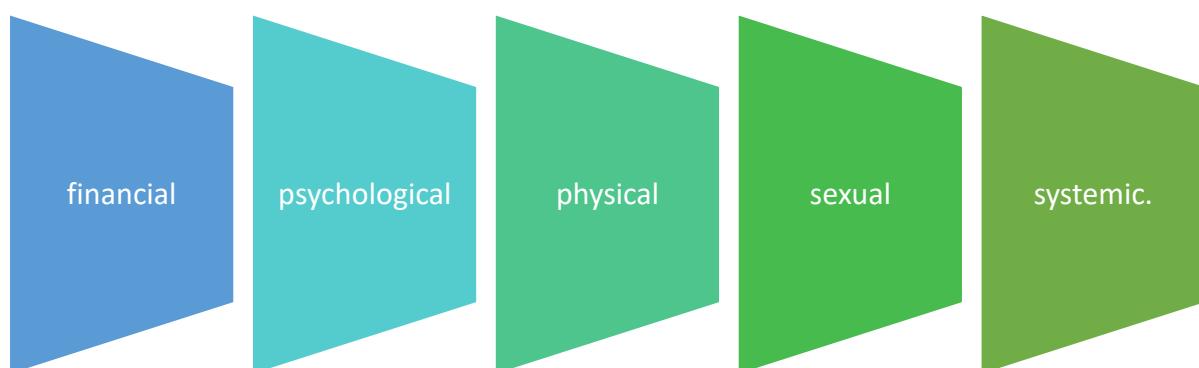
- unlawful dismissal
- not receiving compensation for overtime
- not processing employee grievances.

## Abuse

Abuse is the violent and cruel treatment of a person. Discrimination and harassment are related to abuse since they also involve maltreatment. Discrimination can be considered as abuse. It focuses on the wrongful treatment of a person due to their background or characteristics. Discrimination can include harassment. Harassment, as previously defined, involves unwanted words and actions that offend, intimidate or humiliate another person.

*Based on [Workplace discrimination, harassment and bullying](#), used under CC BY 4.0.  
© Australian Human Rights Commission 2017.*

Forms of abuse can include:



Workers and clients can respond to abuse by:

- informing someone (e.g. supervisor, human resource manager, trusted friend) of the situation
- documenting the abuse
- filing a report to the appropriate authority.



### **Privacy and Confidentiality Issues**

Privacy and confidentiality issues may arise when:

- a client's information is mishandled (i.e. sharing client's data without their consent)
- an organisation's computer system is hacked (i.e. leaking or stealing of private information)
- a client is not given access to their data.

### **Other Legal Issues**

Here are other examples that may arise from the support setting:

- negligence of duty of care
- non-compliance with legislative requirements such as codes of practice and codes of standards
- inadequate access by residents to medical and care records
- health-related legal issues
- medication misuse
- vulnerability of older people to consumer fraud

When legal issues arise in the workplace, you can respond by:

reviewing the contract or policies

filing a complaint or report

consulting with a lawyer

resolving the issue through alternative dispute resolution (ADR)

resolving the issue by litigation.

- *Reviewing the contract or policies* – If the legal issue concerns a contract, you check the agreement between the parties involved. Identify parts of the contract that are relevant to the issue.
- *Filing a complaint or report* – Do this so that you can notify relevant persons (e.g. supervisor, regulatory agencies). They may give you advice on the proper course of action. They may also take necessary measures to resolve the legal issue (e.g. conducting an investigation).
- *Consulting with a lawyer* – A lawyer can give you legal counsel and the proper approach to sort out the issue.
- *Resolving the issue through alternative dispute resolution (ADR)* – Before taking the legal case to court, you can go through the following:
  - Negotiation – A process where the people involved agree or resolve.
  - Mediation – A process similar to negotiation but a neutral person is involved. The neutral person (the mediator) should not be biased towards anyone involved. Their role is to guide parties in reaching an agreement.
  - Arbitration – A process where the neutral person (the arbitrator) decides. The arbitrator listens to both parties and decides how to resolve the issue. Both parties should comply with the arbitrator's decision.
- *Resolving the issue by litigation* – When you have exhausted the ADR, you may choose to go through litigation. It is a process of taking the legal matter to court. At the end of this process, a judge will decide how to resolve the case.



## Multimedia

The video below presents software that organisations can use to manage their employees' incident and breach reports.

[Incident and Breach Reporting Software | Sentriant HR](#)



## Checkpoint! Let's Review

1. Breaches occur when there is a failure to comply with a legislative obligation.
2. A potential breach occurs when a person intends not to comply with their legal obligation.
3. An actual breach is when non-compliance has already occurred.
4. Breaches have legal and ethical consequences.



## Learning Activity for Chapter 1

Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

## II. Identify and Meet Ethical Responsibilities



In the previous chapter, you learnt how to look for the information you need to work legally. Once you can accurately interpret legal requirements, you can comply with your service and its practices and processes. However, legal requirements only make up half of your compliance responsibilities. Legal compliance means that you are working following laws and related guidelines. To work effectively, you must also be aware of the ethical responsibilities related to your organisation. For qualified community service and health workers, compliance with ethical requirements is absolute.

In this chapter, you will learn some essential frameworks that guide how to respond to ethical issues through your work as a community service and health worker. For example, organisations will have a code of ethics to inform the work of their staff. This code of ethics sets core ethical principles that educate and guide ethical practice within a profession. It defines the responsibilities and values that are fundamental to you. This code intends to assist employees in acting ethically informedly in their work. More of the things for you to learn are the following:

- Identify, access, and interpret sources of information about ethical responsibilities
- Identify the scope and nature of own ethical responsibilities
- Meet ethical responsibilities
- Discuss potential ethical issues with an appropriate person
- Recognise personal values and attitudes and ensure non-judgemental practice
- Solve problems about competing value systems
- Report unethical conduct to an appropriate person
- Resolve conflicts of interest

## 2.1 Identify, Access and Interpret Sources of Information About Ethical Responsibilities

Acquiring information about ethical responsibilities will guide you in meeting ethical responsibilities. *Ethical responsibilities* describe identifying, interpreting, and applying moral principles that apply to specific work areas. These are also known as ‘ethical considerations’.

Ethical responsibilities or ethical considerations are not prescribed in legislation, but they are guided by universal moral principles that should guide community services and health practice. Being aware of your ethical responsibilities will allow you to establish and maintain good working relationships with workers, clients and the community. Additionally, remember that even if laws do not dictate ethical requirements, they may still be legally binding through the administration of contracts.

The following sections discuss the three phases in acquiring information on ethical responsibilities.

### 2.1.1 Identifying Sources

To identify sources is to find out where to acquire the information you need. Ethical responsibilities generally share the same sources with legislation. To help you recall these sources, you may refer to Section 1.1.1. As said before, ethical principles underpin legislation. So, you can analyse legislation to understand the ethical responsibilities that go with it. Section 2.1.3 will cover how to interpret these.

Some sources focus mainly on ethical responsibilities. These sources are usually based on laws and regulations. The following is a table containing these sources:

Source	Description
Codes of Conduct	Refer to Section 1.2.2 for the definition of this.
Codes of Practice and Practice Standards	Refer to Section 1.2.3 for the definition of this.
Guidelines	Guidelines are not required but inform people about performing the best practices. Legislative and regulatory bodies may set these. However, your organisations may also have guidelines that you need to follow on top of industry and government guidelines.

Source	Description
Policies	A policy states the organisation's intentions to achieve particular outcomes.
Procedures	Procedures outline the appropriate way of going about a task.
Protocols	A protocol is a rule that explains procedures and conduct that one must follow for a specific situation.

When identifying sources, you must do the following:

- Know your industry since these documents may vary per industry.
- Know your role since parts of each document may be relevant to only a specific role.

### 2.1.2 Accessing Sources

To access sources is to acquire the source itself after identifying it.

How to access ethical responsibilities is similar to legal requirements. For codes, standards, and guidelines, you can check the websites of industry bodies. Their websites typically have pdf files of the necessary documents available for you to view and download. You need to type the URL in your browser's address bar to access their websites. If you do not know the URL, you can search the website name or search which industry body is relevant.

Policies, procedures, protocols, and guidelines can be accessed through your organisation. You can ask your supervisor or the human resources (HR) department for this information. Typically, these are found in the staff handbook.

### 2.1.3 Interpreting Sources

Interpreting sources involves reading and understanding documents. It has been mentioned that legislation can be a source of information about ethical responsibilities. You can interpret this by first having an idea of which ethical principles are usually covered. Since you would know what to expect, you would be able to analyse which principle a particular law refers to.

The following is a list of commonly applied ethical principles in legislation and the sources of information mentioned in Section 2.1.1:

Ethical Principle	Description
Child safety	Refers to the principle of reducing a child's risk of harm.
Protection of client welfare	Refers to the principle of safeguarding a client's physical, mental, and emotional health.
Respect for other cultures	<p>This principle refers to accepting other cultures and responding to specific cultural needs.</p> <p>An example of responding to cultural needs would be adjusting client care. You are working in a residential care setting. The person's culture influences what would be in their diet. Thus, adjustments to the meal plan would have to be made.</p>
Respect for human dignity	This principle refers to recognising that human lives have intrinsic value. An example would be valuing and respecting someone though they have different characteristics from you.
Respect for individual privacy and discretion	This principle refers to acknowledging that a person has the right to dictate how their data should be handled. An example would be keeping the client's files safe from unauthorised personnel by following procedures for storing records.
Transparency	This principle refers to being open to having others see how a process is performed. An example would be explaining side effects and procedures when administering medications.
Accountability	This principle refers to taking ownership of work responsibility outcomes. An example would be reporting that you made a mistake at work instead of hiding the fact.
Integrity	This principle encompasses both honesty and adherence to principles in general.

Ethical Principle	Description
Honesty	This principle refers to being truthful and trustworthy.
Equality	This principle refers to treating everyone in the same way.
Fairness	<p>This principle refers to treating others justly without bias or discrimination. Although it is similar to equality, fairness means treating people according to their needs instead of just the same way.</p> <p>An example is given to differentiate fairness and equality. Equality would be providing care to people of all cultures. Fairness would be making adjustments to care, depending on the culture.</p>
Social inclusion	<p><i>Social inclusion</i> is about ensuring that everyone who enters a working relationship can equally participate in all terms, benefits and activities that come with employment. For example, an organisation offers the same benefits and compensation package to the people of one role.</p>
Economic prosperity	<p><i>Economic prosperity</i> allows employees to progress financially and professionally through fair work. For example, an organisation pays fair wages.</p>
Respect for individual abilities and capabilities	<p>This term means that for good ethical practice in the workplace, one should only perform responsibilities within their limitations and boundaries.</p>

As mentioned in the chapter-opening, ethical responsibilities involve identifying and applying ethical principles. Now that you know of the ethical principles to expect, you can identify these from the sources of information that you accessed. Aside from following what the documents stipulate, you can parse out the principles it is based on and integrate these with your work practices.

## Checkpoint! Let's Review



1. Ethical responsibilities describe identifying, interpreting, and applying moral principles that apply to certain areas of work. These are also known as 'ethical considerations'.
2. Research ethical responsibilities by identifying, accessing, and interpreting sources.



## 2.2 Identify the Scope and Nature of Own Ethical Responsibilities



The previous subchapter discussed gathering information on ethical responsibilities. From the information you gathered, you would need to identify the scope and nature of your ethical responsibilities. Doing so would help you distinguish what things you need to comply with. Likewise, you would know what things are beyond your duty.

The *scope of your ethical responsibility* determines to what extent ethical practices apply to you. This term is related to the scope of your role. You may refer to Section 1.3.2 to review this concept. Depending on the scope of your role, the scope of your ethical responsibilities will also vary.

Examples are as follows:

- Support workers need to know about ethical practice because their scope involves interacting with and providing care for their clients. This means that the ethical behaviour of carers will directly affect the welfare of the client under their care.
- Ethical practice is essential for managers because their scope of work involves coordinating the activities of other employees such as carers and assistants. This means that other employees look up to managers as examples of ethical practice in their work.

In general, you must treat colleagues, workers, children and families with dignity and respect in the day-to-day performance of your responsibilities.

The table below shows different considerations related to the scope of practice and various ways to ensure ethical practice.

Scope	Ways to Ensure Ethical Practice
Proper and effective treatment of and interaction with the client	<ul style="list-style-type: none"> <li>▪ Always keep in mind and protect the best interests of the client.</li> <li>▪ Include and respect the client's opinions in forming decisions.</li> <li>▪ Protect clients from discrimination.</li> <li>▪ Protect the client's information.</li> </ul>
Proper and effective communication with the client's families	<ul style="list-style-type: none"> <li>▪ Respect families' capability to make decisions for the client.</li> <li>▪ Encourage participation of families in planning programs for the client.</li> <li>▪ Acknowledge and respect the diversity of families.</li> <li>▪ Avoid talking about clients and their families with others outside of official purposes.</li> </ul>
Development and implementation of appropriate programs for clients	<ul style="list-style-type: none"> <li>▪ Ensure that programs are inclusive and will not discriminate against any client.</li> <li>▪ Undertake the proper research, planning, implementation and evaluation process for programs to ensure that the client's needs are met.</li> </ul>

Scope	Ways to Ensure Ethical Practice
Proper supervision of employees	<ul style="list-style-type: none"> <li>▪ Take action to address unethical behaviour and practices from employees.</li> <li>▪ Use constructive processes of sharing opinions and criticisms to avoid personal attacks.</li> </ul>
Effective management of day-to-day operations	<ul style="list-style-type: none"> <li>▪ Base decisions on research and evidence instead of personal opinions.</li> <li>▪ Assume responsibility and accountability for incidents that involve management of the service.</li> <li>▪ Encourage criticism of management practices.</li> </ul>

Ethical practice is critical in the community service and health industry because the actions of support workers during practice directly affect the client's welfare. If you go beyond your scope, the following consequences may occur:

- Roles in the organisation will become blurred. This instance may impact how smoothly your organisation operates daily.
- The scope of your role and the scope of your ethical responsibilities go hand in hand. Going beyond either would mean going beyond both. Thus, you may end up doing a task you are unqualified and untrained for. Working within your scope is vital in community services and health. The reason for this is that going beyond your scope often does more harm than good.

You can identify the scope of your ethical responsibilities through the following steps:

1. Knowing and working within the scope of your role. Refer to Section 1.3.2 for more information on this.
2. Identify, access, and interpret sources of information on ethical responsibilities. Refer to Subchapter 2.1 for more details.
3. Match the information you found on ethical responsibilities with the scope of your role.

Aside from determining which ethical responsibilities apply to you, you also need to know the nature of your ethical responsibilities. Knowing the nature of something means becoming familiar with its features and characteristics.

It is important to note that ethical responsibilities are related to the organisation's requirements. The discussion in the following sections will cover the nature of ethical responsibilities. Each section will cover the following:



## 2.2.1 Children in the Workplace

### Nature and Underlying Ethical Principles

The nature of this ethical responsibility involves minimising hazards and risks that may affect children. Similar to the legal requirements related to children in the workplace, this ethical responsibility is based on the principle of child protection. When children are in your workplace, you must ensure that they are kept safe and secure. You must follow specific ethical standards for working with and around children.

## Applying This Responsibility in Organisations

State/territory governments introduced ‘child safe standards,’ which organisations that work with children must follow. These standards are based on National Principles for Child Safe Organisations, as prescribed by the Australian Human Rights Commission.

National Principles for Child Safe Organisations
Principle 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.
Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing.
Principle 4: Equity is upheld and diverse needs respected in policy and practice.
Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
Principle 6: Processes to respond to complaints and concerns are child focused.
Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
Principle 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
Principle 9: Implementation of the national child safe principles is regularly reviewed and improved.
Principle 10: Policies and procedures document how the organisation is safe for children and young people.

*Sourced from [National Principles for Child Safe Organisations](#), used under CC BY 4.0.  
© Australian Human Rights Commission 2018.*

To apply these principles to your service, your organisation must develop and implement a code of conduct that establishes the prescribed and expected behaviour that all workers must observe when with children.

The Commonwealth Child Safe Framework governs child safety at the national level. This framework ensures child safe culture and practices in organisations. This framework requires compliance from government entities; however, private entities are also encouraged to implement the framework. Organisational child safe policies and procedures must comply with the following requirements, according to the framework:

- Undertake annual risk assessments concerning activities of the entity.
- Establish and maintain a system of training and compliance for staff.
- Adopt and implement the National Principles for Child Safe Organisations.
- Publish an annual statement of compliance with the Framework, including an overview of the entity's child safety risk assessment.

*Based on [Commonwealth Child Safe Framework](#), used under CC BY 4.0. © Commonwealth of Australia 2021.*

State/territory governments also have their own guidelines for developing child safe codes of conduct.

State or Territory	Guidelines for Child Safe Codes of Conduct
ACT	<a href="#">Child Safe Standards</a>
NSW	<a href="#">Code of Conduct</a>
NT	<a href="#">Codes of conduct for education sites and workplace participants</a>
Qld	<a href="#">Child safe organisations: Example Code of Conduct</a>
SA	<a href="#">National Principles for child safe organisations</a>
Tas	<a href="#">Child safe organisations</a>
Vic	<a href="#">Developing a Child Safety Code of Conduct</a>
WA	<a href="#">Child safe organisations</a>



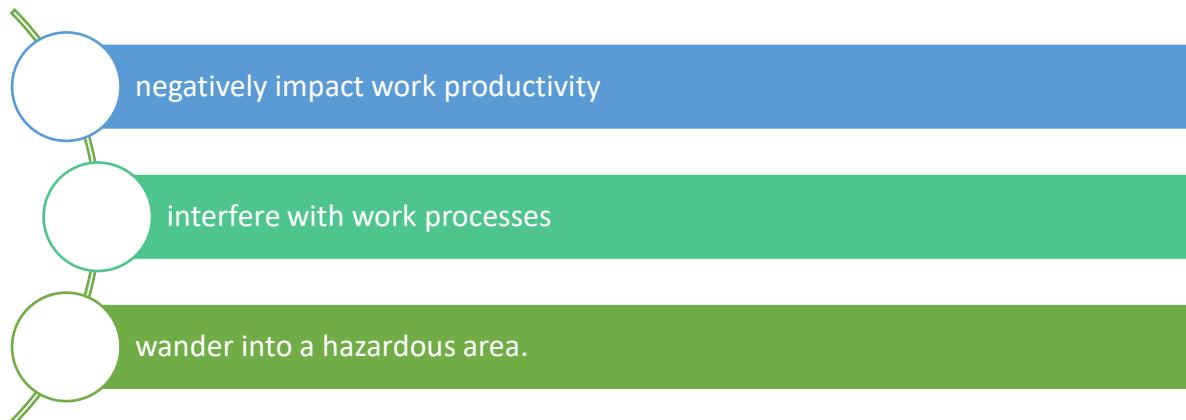
## Further Reading

The Australian Human Rights Commission provides information and guidelines for child safe organisations. Follow the link below for further information on child safety and well-being requirements, initiatives, and resources for each state and territory.

[Child safety and wellbeing links and resources](#)

## How This Responsibility Impacts Workers

Outside child support or education support, children are rarely part of the workplace. Without adequate policies in place, children may:



If possible and appropriate for the workplace, policies may be implemented to prevent children from negatively impacting the workplace. Some workplaces have daycares and breastfeeding rooms. This practice allows the employee to continue working and care for their child when necessary.

In the context of child or education support, child safety in the workplace is highly significant. This sector aims to ensure the well-being and development of the child. This objective would be impossible if the workplace were not suitable for children.

Additionally, Individual workers are expected to be role models to children. This involves speaking and conducting themselves in a respectful and polite manner. As such, individual workers are expected to not use communication methods that are unbecoming of a role model.

### 2.2.2 Codes of Conduct

#### Nature and Underlying Ethical Principles

As previously mentioned, codes of conduct guide desirable behaviour in the workplace based on moral principles. An organisation's workplace code of conduct is based on universal ethical principles. These principles are then translated into specific behaviour that applies to the workplace context.

For the community service and health sector, the ethical principles are usually the following:

- Non-discrimination
- Support for the client's best interests
- Respect the client's right to self-determination
- Respect and acknowledgement of the client's views

- Respect the client's right to consent

The COAG Health Council released the [National Code of Conduct for Health Care Workers](#). This provides a guide for the unregistered health care workers in doing their work ethically, safely and competently.

The Australian Community Workers Association also released the [Australia Community Workers Code of Ethics](#) to provide practical ethical guidance for community workers.

### How This Responsibility is Applied in Organisations

The workplace code of conduct must include certain sections, as described below.

Section	Description
Ethical principles	Objective universal standards for moral action and behaviour based on certain beliefs and standards
Values	Subjective or specific behaviour standards of an organisation based on ethical principles
Accountability	Guidelines for employees in taking responsibility for their actions and decisions
Standard of conduct	Guidelines for general employee behaviour in the workplace
Standard of practice	Guidelines for behaviour specific to performing work roles and responsibilities
Disciplinary actions	Specific penalties imposed by the organisation for violation of the code

Based on [Writing a code of conduct](#), used under CC BY 4.0. © The State of Queensland 2021

### How This Responsibility Impacts Workers

Having an official code of conduct in the workplace is highly beneficial for any organisation. A code of conduct impacts workers in the following ways:

It sets expectations for how employees should behave.

It helps define the organisation's culture.

It reduces the risk of harming the client and the organisation.

- **It sets expectations for how employees should behave.**

The code of conduct outlines the acceptable practices in an organisation. It informs the workers of the appropriate behaviours in the workplace. The workers should use this to guide them on conducting themselves while doing their tasks.

- **It helps define the organisation's culture.**

If an organisation wants a culture of fairness and transparency, the code can specify how employees can apply these principles. The organisation cannot simply express the desire to have a specific culture. Employees have to be guided on how to achieve this.

- **It reduces the risk of harming the client and the organisation.**

Codes of conduct can stipulate prohibited behaviours. These behaviours are typically harmful and unethical. If certain behaviours are not prohibited, the quality of service delivery would be poor.

There can also be policies that are meant to protect the organisation. For example, corruption can pose a financial risk to the organisation. The organisation will have difficulty providing the best possible care if employees steal from it.

### **2.2.3 Codes of Practice and Practice Standards**

#### **Nature and Underlying Ethical Principles**

In addition to codes of conduct, your organisational operations are also guided by codes of practice and practice standards. These codes of practice and practice standards are based on laws and regulations. Thus, your workplace codes of practice and practice standards must be aligned with the Work Health and Safety Act 2011. Therefore, this ethical responsibility is based on the ethical principles of ensuring the health and safety of colleagues and clients alike.



You may refer to Section 1.2.3 for more information on the relevant state/territory laws.



## Further Reading

Below is an example of a practice standard for workers in the child care services.

[Care and Protection Practice Standards](#)

## How These Responsibilities are Applied in Organisations

In the workplace, codes of practice and standards are applied by:

prioritising the needs of the client

assisting clients in identifying and communicating with other service providers

ensuring the safety and security of clients at all times

showing respect and empathy when engaging with clients and their families

making decisions are based on ethical principles.

## How These Responsibilities Impact Workers

Codes of practice and practice standards impact workers in the following ways:

- *They ensure that employees deliver services safely and effectively.*

Codes of practice and standards outline how employees could provide services in the best way possible. These serve as guidelines that recommend certain work practices and prohibit others.

- *They ensure that the way employees deliver services is consistent.*

Consistency of service delivery is often reliable. Consistency in services would ensure that the quality remains the same regardless of who provides service. People would then know what to expect when availing of these services.

- *They ensure that employees support the clients.*

Support workers are required to comply with requests by clients to be assisted in finding other support service providers that they prefer to access. Support workers are also required to provide support whenever the client communicates with these service providers.

- *They ensure that business processes happen as smoothly as possible.*

Codes of practice and standards set expectations that employees must meet. Since they have a guide, they would have an easier time delivering what is expected.

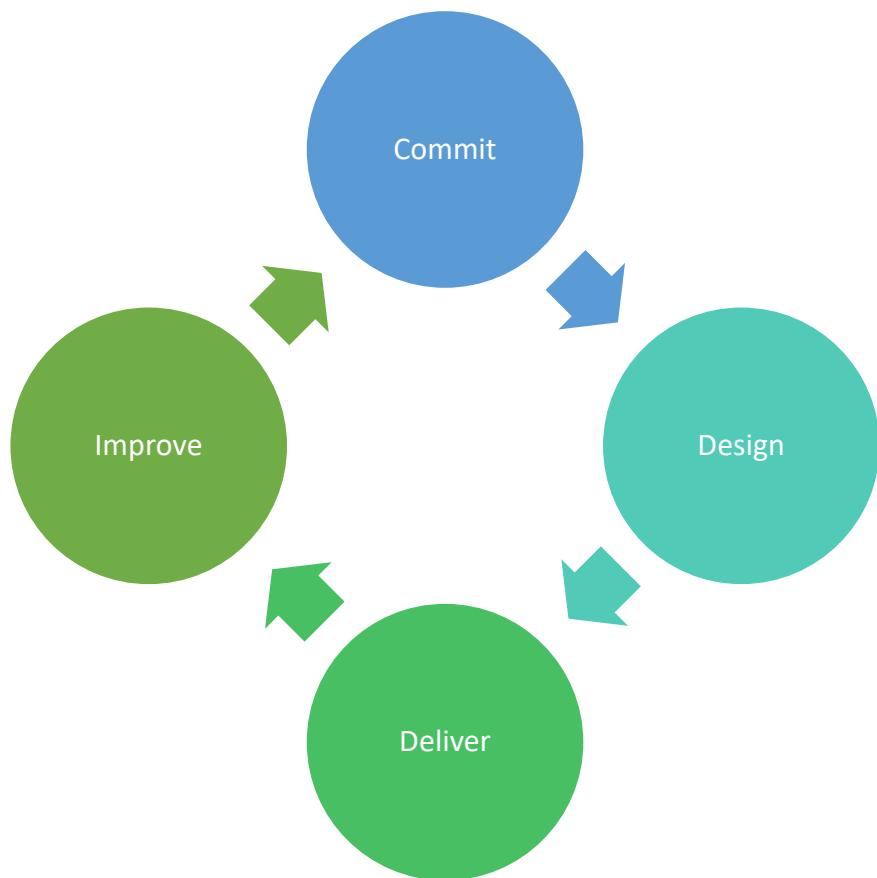
## 2.2.4 Complaints Management

### Nature and Underlying Ethical Principles

Organisations' complaints management policies and procedures emphasise empathy and being receptive to criticisms and ideas of clients, their families and their carers. An effective complaints management system relies on the organisation's commitment to addressing problems faced by their clients. All employees must understand that addressing complaints helps the service provide better care for the clients and their families. After all, this responsibility is founded on the principle of prioritizing and protecting client welfare. This is a process of continuous improvement of practices.

### How This Responsibility is Applied in Organisations

A robust complaints management system follows a cycle. Below is a graphic that illustrates this cycle. Each step in the process will be discussed and how the particular step can be applied to the workplace.



*Sourced from [Better Practice Complaint Handling Guide](#), used under CC BY 3.0 AU.  
© Commonwealth of Australia 2015*

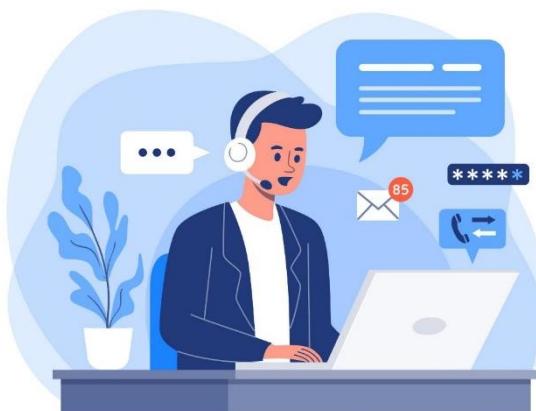
## ▪ Commit

Everyone in your organisation, from managers to staff, must be committed to providing excellent service to clients. At the management level, an accessible complaints management system must be provided. Families should file complaints and bring issues to the organisation's attention. Your service should also have competent staff who can receive complaints with patience and empathy to support this.

## ▪ Design

A well-designed complaints management system embodies the commitment of your organisation to address problems. The following design principles must be followed:

- The system should be user-centred, simple to access and easy to use.
- The system should support the early resolution of complaints.
- The system should be integrated within the overall corporate structure.
- Complaints should be recorded in an electronic system capable of producing complaint insights.
- Complaint handling should be supported by clear process guidance.
- All staff should have the skills and support to deliver better practice.
- The system should have robust quality assurance and review processes.
- The system should be adequately resourced.

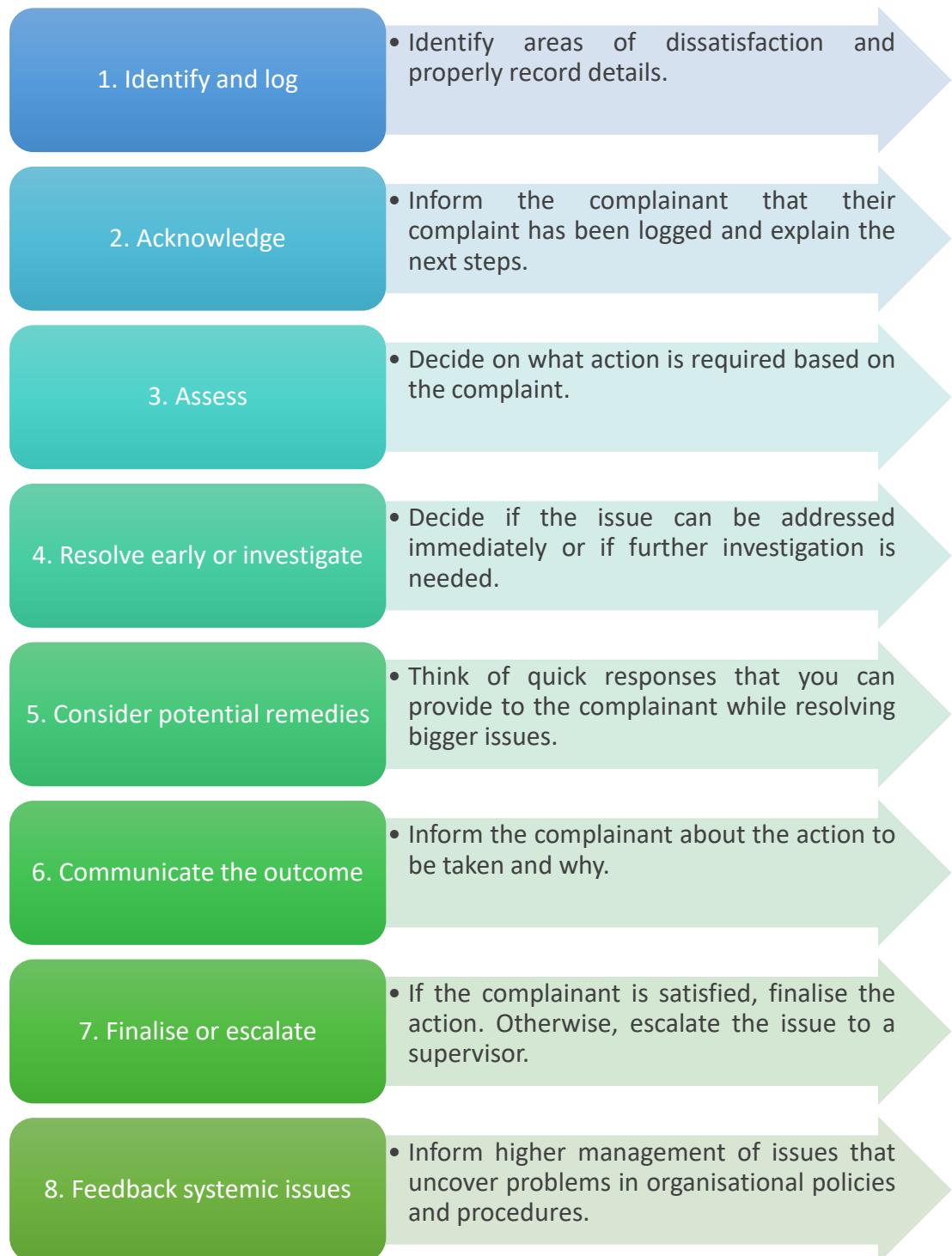


*Sourced from [Part 5 - Design](#), used under CC BY 3.0 AU. © Commonwealth of Australia 2015*

## ■ Deliver

Once an adequate complaints management system is in place, you must ensure that it is well implemented and followed by all employees.

The Commonwealth Ombudsman prescribes an eight-step process of delivery:



*Based on Part 6 - Deliver, used under CC BY 3.0 AU. © Commonwealth of Australia 2015*

- **Improve**

As part of your commitment to providing a better service, you must improve existing practices based on complaints. You must build a culture of continuous improvement in your organisation by encouraging your colleagues to reflect on issues brought up in complaints. This not only applies to work practices. It also applies to your complaints management system. Evaluate how complaints are being handled and look for better ways to respond. Remember that you should be guided and driven by the principle of commitment when handling complaints.

### **How This Responsibility Impacts Workers**

The following are ways a complaints management system impacts workers:

- *Aids employees in improving the way they provide services*

Client's have a firsthand perspective on their experiences. Thus, they would be able to point out possible points of improvement. The employees would then apply what the organisation learnt from the complaints management system.

- *Makes it easier for clients to communicate complaints with employees*

A complaints management system is a way to organise and analyse complaints made by clients. It aids in keeping track of what the problem was so that the organisation and its employees would have a direction in making continuous improvements.

### **2.2.5 Continuing Professional Education**

#### **Nature and Underlying Ethical Principles**

Earlier, you learnt that CPE or CPD is a way for you and your colleagues to develop further knowledge and skills related to your area of work. Those in the health sector need to undergo CPD, according to the Health Practitioner Regulation National Law Act 2009.

An ideal organisation would value professional development and encourage its employees to pursue professional development opportunities. Part of delivering quality services is ensuring that staff are well-trained and knowledgeable on the latest information and practices.



## How This Responsibility is Applied in Organisations

Organisations have programs in place to require staff to undergo necessary training or attend important seminars to update their knowledge and skills that are relevant to their work duties. Organisations also sponsor employee activities that are relevant to continuing professional education, such as attending workshops or taking courses in higher education.

To integrate CPE into the workplace, the organisation must:

assess employees' learning and development in their work roles

use new knowledge to make suggestions for improvement

apply acquired knowledge and skills in the workplace.

## How This Responsibility Impacts Workers

Individual workers are expected to participate actively in all activities relevant to continuing professional education. They are also expected to pursue opportunities for their personal and professional development. They are required to report all activities relevant to continuing professional education to their employer for tracking and record-keeping purposes.

CPD for staff will result in benefits for the service such as:

increased confidence and sense of purpose in performing duties

contribution to employees' knowledge, which will improve practices

increased commitment and capacity to provide good community and healthcare services.

## 2.2.6 Discrimination

### Nature and Underlying Ethical Principles

People are protected from discrimination through national and state/territory anti-discrimination laws. The legal requirements related to discrimination was discussed in Section 1.2.6. Like laws, the ethical responsibility for eliminating discrimination are based on protecting human rights.

Anti-discrimination legislation prescribes specific and mandatory policies for all organisations to follow. On the other hand, ethical responsibilities are concerned with particular measures that prevent cultures of discrimination to grow within the organisation. You are responsible for ensuring that clients, their families, and other community members are protected from discrimination.

### How This Responsibility is Applied in Organisations

To prevent discrimination in the workplace, the Australian Human Rights Commission (AHRC) suggests actions for creating a fair and productive workplace:

- Develop and implement policies on harassment and discrimination.
- Establish a process for responding to discrimination and harassment complaints.
- Orient, inform and update staff on policies and procedures related to discrimination and harassment.
- Provide anti-discrimination training for staff.
- Ensure that the managers model and promote anti-discrimination.
- Establish contact points by assigning contact officers to receive and discuss employees' discrimination and harassment issues.
- Establish other policies in line with workplace equality, such as flexible work arrangements for workers with families.
- Identify and plan to address possible risk factors for harassment and discrimination.
- Ensure that your workplace is accessible to employees with disability.
- Consider other ways to identify problem areas where discrimination and harassment may arise. This may include staff surveys, exit interviews and other methods.



*Based on [Ten steps you can take to create a fair and productive workplace](#), used under CC BY 4.0.*

*© Australian Human Rights Commission 2017.*

These steps provide general guidance on creating a workplace that is free from discrimination. These steps can be translated into ethical guidelines that apply to your workplace. To do this, you must consider the stakeholders: the clients, their families, community members and support workers.

To ensure that your education and care service is free from discrimination, you can implement the following actions based on the steps recommended by the AHRC:

Ensure that families and staff have accessible means of filing discrimination complaints.

Model anti-discrimination in your interactions with the clients, their families, community members and support workers.

Observe how fellow staff interacts with the clients, families and other staff and identify possible risks of discrimination and harassment.



### Further Reading

The Australian Human Rights Commission published factsheets related to good business practices to fight against discrimination. For further information, you may access the link below.

[Good practice good business factsheets](#)

### How This Responsibility Impacts Workers

Individual workers are expected to understand the negative effects of discrimination and be familiar with practices that prevent discrimination in the workplace. They are also expected to fully understand what they can and cannot do based on the anti-discrimination legislations of their state/territory.

Meeting ethical responsibilities related to anti-discrimination policies will impact workers in the following ways:

- *Employees will have consistently good attendance records.*

If employees feel unwelcome at work, they are more likely to be tardy and absent. Tardiness and absenteeism can be signs of avoidance. Possible, they are trying to avoid discriminatory remarks and actions against them.

- *There will be a welcoming and cooperative work environment.*

Employees can easily collaborate if they feel that their backgrounds and perspectives are respected. Otherwise, they would be withdrawn and tend to avoid others.

- *It will result in better work productivity.*

Policies for anti-discrimination would increase employee satisfaction. Employee happiness and fulfilment is significant factor in enhancing work productivity.

## 2.2.7 Dignity of Risk and Duty of Care

### Nature and Underlying Ethical Principles

Previously, you learnt about how the dignity of risk and duty of care relate to each other in the context of the community services and health sector. To review:

dignity of risk	affords clients' opportunities to take risks in order to benefit from experiences
duty of care	supports workers' responsibilities to protect clients from harm.

An ethical practice balances dignity of risk with duty of care. Risks must be assessed if they will be beneficial or detrimental to the client's welfare. This ethical responsibility behind upholding dignity of risk and duty of care comes from the power balance in the context of community services and healthcare. Staff who interact with clients are charged with a duty of care because they are in a position of control and power. In other words, the risk of harm to clients is dependent on the action or inaction of their relevant employees.

### How This Responsibility is Applied in Organisations

In the workplace context, you must be proactive in identifying and assessing risks before they result in injuries and accidents. An ethical organisation implements the following practices to uphold the dignity of risk and duty of care:

- The dignity of risk and duty of care policies and procedures are included in the staff handbook and code of conduct.
- Employees are well-oriented on their duty of care responsibilities.
- All staff are provided with the resources and equipment they need to carry out their responsibilities relevant to their duty of care to their clients.

- The prescribed processes for ensuring clients' safety are promptly followed without shortcuts or compromises.
- A safe and welcome environment for clients is established and maintained.
- Organisations follow a person-centred approach in decision making.

### How This Responsibility Impacts Workers

An emphasis on the dignity of risk and duty of care in the workplace ensures the following:

- *Employees respect the client's independence.*

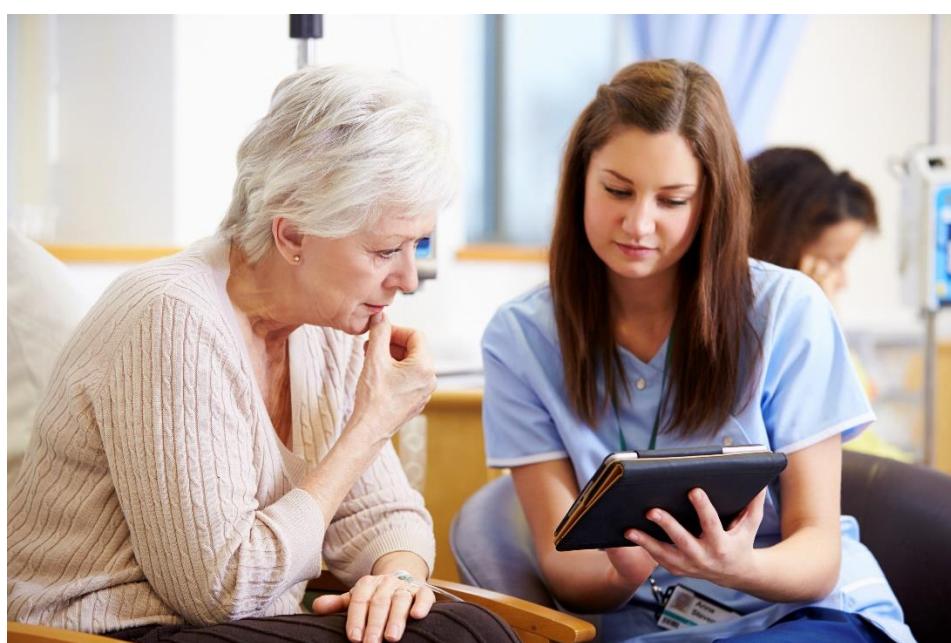
Teaching dignity of risk to employees would prevent a paternalistic way of thinking. Paternalism is an extreme sense of knowing what is best for the client. The employee should remember that service provision is less about control and more about collaboration.

- *Employees always prioritise the client's needs.*

Teaching duty of care to employees ensures an emphasis on caring for the client. Prioritising the client's needs can also be the deciding factor for ethical dilemmas. They are also expected to make proper judgments and carry out their duties in a way that prioritises and ensures the safety and well-being of their clients.

- *Individual workers are expected to balance their responsibilities under duty of care and dignity of risk.*

Employees are expected to provide important information so that the client can make appropriate decisions based on risks, facts and benefits to be gained from activities or opportunities.



## 2.2.8 Human Rights

### Nature and Underlying Ethical Principles

The development of human rights is based on society's ideals. Human rights answer the question, 'What principles govern the ideal society?'. The ethical considerations for human rights are based on the Universal Declaration of Human Rights (UDHR). This document standardised human rights applications by grounding these rights on universal ethical principles, such as recognising all persons' dignity and equal rights. These same principles are maintained in the implementation of rights by individual nations through human rights commissions.



Article 19 of UDHR states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### How This Responsibility is Applied in Organisations

Organisation can apply a human rights based approach in their work practices. Human rights based approaches allow support workers and service providers to use human rights in forming and upholding effective policies, practices and practical realities for all. There are principles that can be followed when using the human rights based approach. These are:

- **Participation**

Everyone has the right to participate in decisions that affect their human rights. Participation must be active, accessible, and meaningful. It must give attention to issues of accessibility, including access to information in a form and a language that can be understood.

- **Accountability**

Accountability requires effective monitoring of compliance with human rights standards and achievement of human rights goals and effective remedies for breaches of human rights. For accountability to be effective, there must be appropriate laws, policies, institutions, administrative procedures, and redress mechanisms to secure human rights.

The effective monitoring of compliance and achievement of human rights goals also requires the development and use of appropriate human rights indicators.

#### ■ Non-discrimination and equality

A human rights-based approach means that all forms of discrimination in the realisation of rights must be prohibited, prevented, and eliminated. It also means that priority should be given to people in the most marginalised or vulnerable situations who face the most significant barriers to realising their rights.



#### ■ Empowerment

Everyone is entitled to claim and exercise their rights and freedoms. Individuals and communities need to understand their rights and fully participate in developing policies and practices that affect their lives. Expression of thought, such as in the case of providing feedback, expressing interests, identifying preferences and expressing sexuality, must be respected.

#### ■ Legality

A human rights based approach requires that:

- the law recognises human rights and freedoms as legally enforceable entitlements
- the law itself is consistent with human rights principles.

*Based on [Human rights based approaches](#), used under CC BY 4.0. © Australian Human Rights Commission 2017.*

Unlike legal requirements, ethical responsibilities are not necessarily stipulated by enforceable laws. They serve as guidelines for desirable behaviour. This is why it is essential to clarify that all employees should uphold human rights. You must ensure that your work practices respect the dignity of each person you interact with, such as colleagues, workers, clients and families.

## How This Responsibility Impacts Workers

The impact of this ethical responsibility on workers is similar to what has been discussed in Section 2.2.6. Integrating human rights legislation into work will have the following effects:

A reduction in tardiness and absenteeism

An increase in productivity

A safe environment for all

- Individual workers are expected to allow persons under their care to exercise their freedom of expression, so long as their expressions do not infringe upon the rights of others or do not convey violent or disturbing messages. They are expected to understand what constitutes free speech.

Employees can deliver quality rights-based services

- Client satisfaction will increase if they feel that their rights are being upheld. Clients have the right to be independent and receive adequate healthcare. Therefore, a rights-based approach will ensure that the client is cared for and unharmed.

## 2.2.9 Privacy, Confidentiality, Disclosure and Informed Consent

### Nature and Underlying Ethical Principles

Information you collect and use for operations are subject to privacy, confidentiality and disclosure laws. Concerning these laws, the handling of information in your organisation is governed by ethical principles that guide practice. Privacy, confidentiality and disclosure policies are based on the principle of respect for individual privacy and discretion. Each individual has a right to decide what information they share with organisations and know how it is being used. Under disclosure, individuals also have the right to determine if their data should be used or shared at all.

## How This Responsibility is Applied in Organisations

To maintain an ethical practice concerning privacy, confidentiality and disclosure, your organisation may apply the following guidelines:

- Do not bring up confidential information in conversations you have with others.
- Treat colleagues and clients with respect. Do not judge or discriminate against them based on confidential or protected information.
- Do not force people to share information if they are not comfortable with it.
- Ensure that authorised discussions of confidential matters are conducted in a secure environment.
- Always obtain consent when you wish to bring up or discuss confidential information.
- Ensure that clients are provided with the facilities and resources that they need to enjoy their privacy with their carers, family or other people.
- Redact or censor all sensitive or identifying information prior to submitting them to researchers and other external bodies.
- Ensure that the client is consulted regularly regarding who they wish to provide with access to their information.

These guidelines may be instituted in policies and procedures to require strict compliance by all workers.

### Informed Consent

While there are privacy and confidentiality laws about consent, the proper application of these laws in practice is dependent on the judgment of the service provider and its workers. The principles of integrity and transparency guide informed consent. Earlier, you learnt about the set of compliance requirements concerning informed consent. These requirements dictate the actions you must take when obtaining consent.

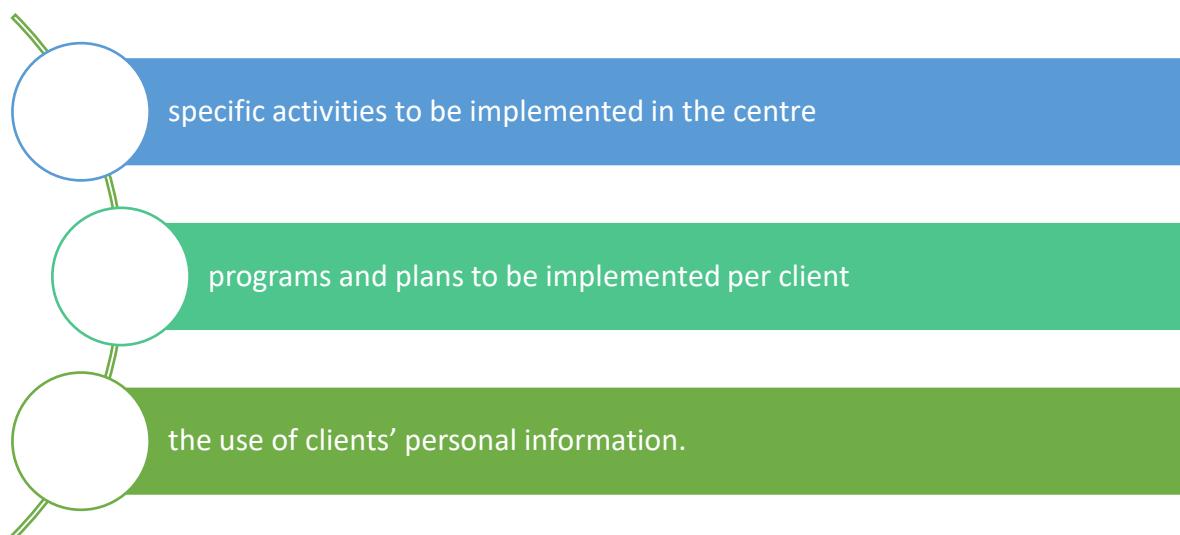
Concerning achieving these requirements, your organisation has corresponding ethical responsibilities such as:

ensuring that the person involved completely understands what they are consenting to and why

practising due diligence in providing the person involved with all the information they need to give consent

refusing to proceed if there is enough reason to believe that the person involved is incapable of giving informed consent.

In the workplace, you may encounter situations where you need to obtain informed consent from clients, such as for:



In these cases, always remember to apply your ethical responsibilities in performing work. For an organisational approach, you must require the same ethical standards from all employees by implementing the necessary policies and procedures for informed consent. This involves checking in with the client and their family or carer, requiring a signature to signify consent and routinely checking the activities of the workers and clients to identify possible abuses.

### How This Responsibility Impacts Workers

Having policies that ensure privacy and confidentiality ensures the following:

- *Employees respect the autonomy of clients.*

Respecting autonomy means respecting that clients have a right to dictate how service providers handle information. Having policies on privacy will help employees abide by the law. It will also serve as a guideline for employees to have clients at the centre of their care.

- *Clients' privacy are respected.*

Workers are discouraged or prohibited from contacting clients outside of their work schedule. They are also provided with instructions to not interrupt clients if they wish to enjoy their privacy.

- *Employees' data is safe.*

Workers are prohibited from providing information directly to researchers and other external bodies for research purposes. They are expected to abide by the organisation's protocol to ensure data security.

Individual workers are expected to keep all client information from being accessed by unauthorised persons. They are expected to distinguish between their responsibility to the client and their responsibility to the client's relatives, especially in cases involving the disclosure of information.

If unauthorised personnel have access to data, they may misuse it. Unauthorised personnel may leak information to others for malicious or commercial purposes. For example, someone may try to find someone's address for improper and illegal reasons. Others may sell information without consent.

- *There is less stigma and discrimination.*

Some illnesses and information may invite stigma and discrimination. Examples of these include sexually transmitted diseases (STDs). Stigma and discrimination can have negative psychological impacts on the victim. They may feel shame and stress, which can lead to social isolation.

## 2.2.10 Mandatory Reporting

### Nature and Underlying Ethical Principles

Mandatory reporting requires workers who interact with clients to report suspected abuse and neglect cases. If a worker reasonably believes that a client is at risk of harm, they must report it to authorities.

Two seemingly conflicting ethical considerations are at play in mandatory reporting. First, mandatory reporting protects the rights and welfare of the clients. Proper and timely reporting of incidents will protect clients from risks of harm. On the other hand, there is a risk of violating professional codes of ethics and conduct related to privacy and confidentiality through mandatory reporting. By reporting an incident, you may be at risk of disclosing personal information to unauthorised persons.



## How This Responsibility is Applied in Organisations

Mandatory reporting is applied in organisations by integrating the following points into guidelines, policies, and procedures:

- Employers and employees should know that mandatory reporting precedes other codes of practice and ethics. The primary concern is to ensure that clients are protected from harm.
- Employers and employees must do mandatory reporting in good faith. The sole intent of reporting must be to protect clients and others in the area of work from harm.
- It should be emphasised that mandatory reporting must have reasonable grounds. In this case, establishing ‘reasonable grounds’ means that any other person placed in your situation may have reported the incident based on the same grounds.

## How This Responsibility Impacts Workers

Mandatory reporting impacts workers in the following ways:

- *Motivates employees to protect clients from harm*

If a system is in place for mandatory reporting, it will reinforce a safe environment for clients and employees. Specific, accessible, and convenient procedures will encourage employees to be vigilant. Employees should be familiar with the signs of abuse or neglect and understanding the state legislation and relevant reporting procedures of their state/territory. Once reasonable grounds are established, employees could simply course their concerns through the system.

- *Serves as a deterrent for future violations*

Having a system in place that gives opportunities for mandatory reporting can help prevent future violations. If it would ever cross someone’s mind to harm a client, they would be discouraged since there is a significant possibility that they will be reported.

### 2.2.11 Practitioner/Client Boundaries

#### Nature and Underlying Ethical Principles

You previously learnt that in the community services and health sector, practitioner/client boundaries refer to limits that you must impose in actions and decisions when dealing with children and their families. The legal requirements concerning these boundaries are those concerned with protecting the rights and welfare of the clients.



These requirements ensure that clients are adequately cared for and protected. On the other hand, meeting this ethical responsibility ensures that any risk to the rights and welfare of clients are avoided before they escalate into legal violations.



## Further Reading

Below are examples of policy framework that can be used as bases for ethical considerations.

The link below shows the framework of the NSW Government in achieving their goals for its population.

[NSW Human Services Outcomes Framework](#)

The link below shows Australia's framework for achieving safe and high-quality health care for its citizens.

[Australian Safety and Quality Framework for Health Care](#)

## How This Responsibility is Applied in Organisations

Organisations should enforce a code of conduct that prohibits staff from crossing any practitioner-client boundaries. They should also routinely reassign workers to new clients to ensure that workers and clients do not develop a relationship beyond what is required in the workplace.

The organisation's guidelines, policies, and procedures should explicitly state that all employees must respect the following boundaries:

- **Privacy**

This boundary is related to the topic discussed in Section 2.2.9. You must not disclose the client's information to anyone unauthorised. Client information should be handled according to the manner agreed upon by the client and your organisation.



- **Communication**

You must ensure that you are respectfully and politely communicating with the client. Working within boundaries means that you do not say anything insulting or discriminatory. Flattery and flirting also go beyond practitioner/client boundaries.

- **Personal disclosure**

Anyone working in community services and health should keep their personal lives separate from work. The practitioner/client relationship can be friendly and build on trust. However, it must stay professional. Disclosing too much of your personal information would break these boundaries.

- **Physical contact**

Limit physical contact to performing necessary tasks, such as support activities. Do note that you need consent for performing certain activities. Corporal punishment and unwanted touching are strictly not allowed.

- **Socialising outside the work setting**

Another instance of breaking boundaries between work and private life is socialising outside of work hours. Only interact when it is time for your shift. Any other time outside that would be inappropriate.

- **Giving and receiving gifts**

Keeping interactions professional would be avoiding an exchange of gifts. Gifts are usually given as a ‘thank you.’ However, there should be no need to have tokens since performing your tasks are just part of your job.



### **How This Responsibility Impacts Workers**

Creating policies that emphasise practitioner/client boundaries has the following effects:

- *It prevents any legal disputes from arising.*

Clients may end up feeling uncomfortable if employees cross certain boundaries. Inversely, this also applies to employees. Crossing certain boundaries may even be grounds for legal disputes, which will affect the public’s view of the service provider.

- *It helps employees adopt an objective attitude when providing services.*

Employees are encouraged to avoid forming personal relationships with relatives or carers of their clients to avoid having problems with choosing between personal and professional priorities and commitments. The blurring of boundaries may affect the employee’s judgment. Employees, especially those involved in direct care, have the opportunity to spend a lot of time with a client. They would also need to make decisions related to the client’s care. To make good decisions, they need to have an unbiased thought process.

- *It helps employees know what their duties and responsibilities are.*

Working within one's job scope is considered good practice in community services and health. It ensures that one is working only within their area of expertise. Working within one's expertise ensures that one can provide services to the best of their ability.

## 2.2.12 Policy Frameworks

### Nature and Underlying Ethical Principles

Policy frameworks consist of principles put in place by the organisation. The goal of these frameworks is to provide direction for the development of the business. Frameworks can include codes of conduct and ethics, long-term goals, rules, guidelines, and various types of planning. This affords the organisation with the administrative stability

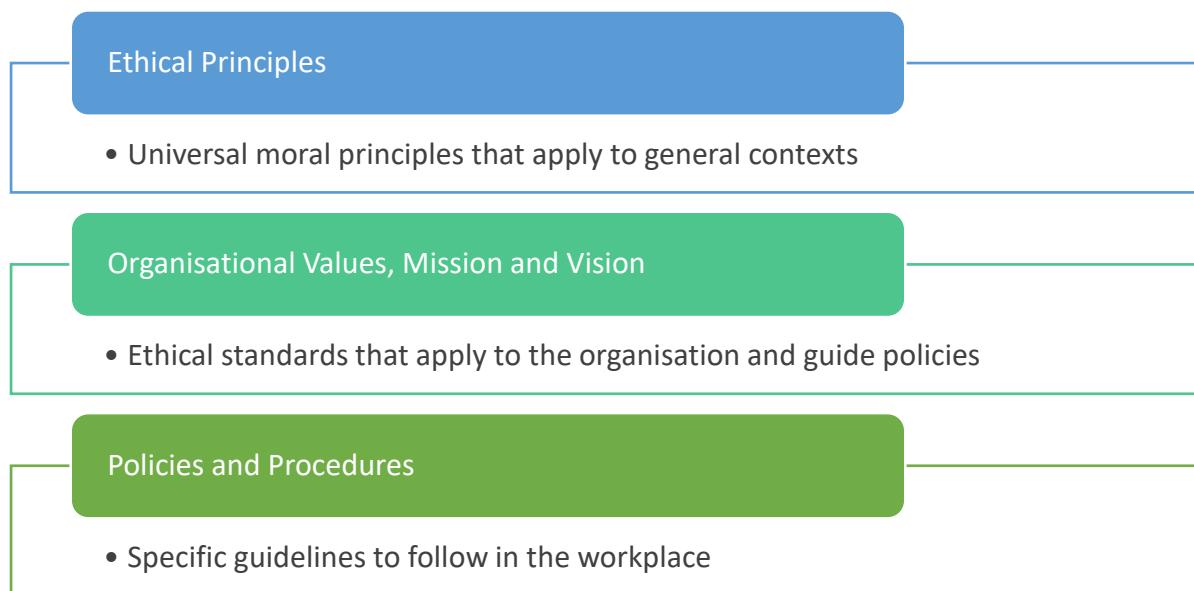


to ensure that steps taken by the business are done with a specific goal in mind.

### How This Responsibility is Applied in Organisations

As previously discussed, the legal requirements for policy-making are based on legislation governing the industry. In terms of ethics, organisational policy frameworks will be based on the organisation's values. This is usually found in the opening pages of a service's policies and procedures, where the organisational values, mission and vision are stated. Policies and procedures take direction from these values, mission and vision except in cases where the bases of provisions are legislative.

The diagram below shows how ethics apply to organisational policies and procedures.



### How This Responsibility Impacts Workers

Having a policy framework impacts workers in the following ways:

- *Ensures consistency across the organisation*  
Policy frameworks outline business processes and organisational activities. If employees do these in different ways, they risk performing a task inappropriately. They also may be doing a task that does not meet the employer's standards.
- *Sets expectations for the employee and employer*

Policy frameworks serve as a guide for what employers and employees need to fulfil. If people do not know how to perform their duties, their knowledge and skills would not be maximised.

## 2.2.13 Records Management

### Nature and Underlying Ethical Principles

Records management is vital for a service because it helps in two ways:

- Maintaining compliance with laws and regulations
- Supporting day-to-day activities

Proper records management is based on the principles of transparency and accountability. By managing records, you are helping your service provide evidence that its duties and responsibilities to stakeholders are being met. Concerning privacy, confidentiality and disclosure, records management practices also protect the rights and welfare of children by safeguarding information from misuse and abuse.



### How This Responsibility is Applied in Organisations

You must keep some ethical workplace practices concerning records management and include them in your service policies and procedures. These are recommended practices and tips based on guidelines found in legislation:

- Only record information needed for operations and nothing more.
- Create own templates to ensure that support workers only collect important information from the clients.
- Practise good faith in implementing and maintaining a records management system to avoid breaches and leaks.
- Provide access to staff only as needed in the performance of work responsibilities and provide them with clear guidelines on how to access and use records.
- Make records easily accessible and available to regulatory authorities and other bodies who may require access, as required by legal procedures.
- Ensure that records are kept accurate and up to date to avoid incorrect or misleading information.
- Inform clients about what information you store in records and obtain their consent when using records.

## How This Responsibility Impacts Workers

An effective records management system impacts workers in the following ways:

- *Facilitates good communication across the organisation*

Having an efficient records system ensures consistency of data across the organisation. People would know how to store data and where to retrieve it. Data would be presented uniformly, which makes it easier to interpret.

- *Ensures only required information are recorded*

Individual workers are expected to use their organisation's templates and forms whenever they collect information from their clients. They are also expected to not take note of other information that are beyond what is required by their job task.

- *Reinforces privacy and confidentiality requirements*

An effective records management system keeps files safe and secure. Files would be stored in a manner that prevents access from unauthorised personnel.

### 2.2.14 Rights and Responsibilities of Workers, Employers, and Clients



#### Nature and Underlying Ethical Principles

Earlier, you learnt that workers, employers and clients all have rights and responsibilities as stated in international treaties and implemented through national laws. These rights and responsibilities are grounded on the ethical principles of fairness and equality. Everyone must be treated fairly and equally. In the same way, each person is responsible for treating others with fairness and equality. Even if there are laws protecting the rights and responsibilities of workers, employers and clients, it is still essential to know and apply ethical principles in the workplace because these principles guide areas of practice that are not covered in laws.

Based on ethical principles, workers, employers, and clients have rights and responsibilities in addition to those protected in laws, as shown in the table below.

Stakeholder	Rights	Responsibilities
Workers	<ul style="list-style-type: none"> <li>▪ Fair and equal working conditions</li> <li>▪ Equal access to workplace resources and processes</li> <li>▪ Protection from any form of discrimination</li> <li>▪ Work-life balance</li> <li>▪ Proper and fair supervision and assignment of tasks</li> <li>▪ Freedom to talk to other workers about their rights and the terms and conditions of employment</li> <li>▪ File complaints about work conditions</li> <li>▪ Suggest or make modifications to improve work conditions</li> <li>▪ Participate in discussions regarding rights</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complete work tasks to ensure the proper delivery of services by the organisation</li> <li>▪ Avoid work practices that are harmful to their own health and safety or that of others</li> <li>▪ Protect and uphold their rights and that of other workers</li> <li>▪ Report violation of rights</li> <li>▪ Use work hours appropriately to complete tasks</li> <li>▪ Use work resources appropriately and as directed</li> <li>▪ Avoid actions or statements that may ruin the image of the organisation</li> <li>▪ Avoid sharing information with people outside the organisation</li> <li>▪ Avoid conflicts that may prevent performance of work role</li> </ul>

Stakeholder	Rights	Responsibilities
Employers	<ul style="list-style-type: none"> <li>▪ Uphold policies and procedures to ensure proper organisational operations</li> <li>▪ Employ and terminate employment based on agreed-upon standards and policies</li> <li>▪ Define standards for work roles, work performance and behaviour</li> <li>▪ Make decisions to support the best interests of the organisation</li> <li>▪ Monitor use of organisational resources by employees</li> </ul>	<ul style="list-style-type: none"> <li>▪ Protect the welfare of workers</li> <li>▪ Ensure a safe work environment by providing necessary protective equipment</li> <li>▪ Provide access to fair and equal working conditions</li> <li>▪ Ensure that workers have the resources to perform their assigned responsibilities</li> <li>▪ Ensure that workers are not discriminated against</li> <li>▪ Listen to and address concerns from workers and clients</li> <li>▪ Ensure quality service delivery to clients with the help of workers</li> <li>▪ Commit to promises made to clients with the help of workers</li> </ul>

Stakeholder	Rights	Responsibilities
Clients	<ul style="list-style-type: none"> <li>▪ Standard and high-quality education and care</li> <li>▪ Safety and security of children while in the centre</li> <li>▪ Equal treatment and opportunity</li> <li>▪ Protection of privacy and confidentiality</li> <li>▪ Share opinions and views regarding childcare practices</li> <li>▪ Information on children's condition and performance in the centre</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide information about children's care needs</li> <li>▪ Provide children's health information and other information that may affect their care</li> <li>▪ Ensure regular attendance of children in the centre</li> </ul>

### How This Responsibility is Applied in Organisations

To apply these rights and responsibilities in the workplace, organisations should have specific guidelines, policies and procedures outlining these rights and responsibilities. It will also help train employees and orient clients on their rights and responsibilities concerning the service. This will allow everyone to recognise and address unfair or unequal treatment.

The following are some more examples of how these rights and responsibilities can be applied in the workplace:

- Organisations follow protocols that adhere to codes of practice and relevant work health and safety legislation.
- Employers provide equipment to workers based on the risks that these workers will typically or potentially encounter while performing their duties.
- Organisations plan daily activities, meals and leisure opportunities based on the health needs and requirements of clients.

## How This Responsibility Impacts Workers

Meeting ethical responsibilities related to upholding rights and responsibilities will have the following impacts:

- *Employees will have fair and safe working conditions*

Workplaces that lack a rights-based approach will result in employee dissatisfaction. Moreover, the knowledge and skills of employees will not be maximised since their poor emotional well-being affects their productivity.

- *Employees will have equal opportunities*

Employees will have the opportunity to be trained and promoted. Equality ensures that people are evaluated based on abilities and not irrelevant characteristics.

Other examples of this responsibility impacts workers include:

- Individual workers are expected to be considerate of others when accessing facilities and equipment as they perform their duties
- Individual workers are expected to provide information on what equipment they require to perform their job responsibilities in a safe and effective manner
- Individual workers are expected to take note of all health requirements. Workers are expected to ensure that all services address the health requirements of their clients.

## 2.2.15 Industrial Relations Legislation and Requirements Relevant to Organisation

### Nature and Underlying Ethical Principles

Industrial relations refer to all issues and concerns related to establishing and maintaining working relationships between an organisation and its staff. In Section 1.2.15, you learnt that the legal requirement for industrial relations is the Fair Work Act 2009. The underlying ethical principles for this legislation promotes the values of social inclusion and economic prosperity through cooperative and productive workplace relations.



## How This Responsibility is Applied in Organisations

For workplace relations to be cooperative and productive, they must:

be fair for workers and flexible for the organisation

ensure fair, relevant and enforceable minimum terms and conditions of employment

allow workers to balance their work and family responsibilities

enable association, organisation and representation for workers

protect workers from unfair treatment and discrimination.

*Based on content from the Federal Register of Legislation at December 23, 2021. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. Fair Work Act 2009, used under CC BY 4.0*

## How This Responsibility Impacts Workers

Meeting this ethical responsibility impacts workers in the same way that integrating human rights into the workplace does. Workers will benefit from a safe working environment. The knowledge and skills of workers will be maximised. Workers will appreciate that the organisation creates its policies in good faith and be encouraged to deliver quality services consistently.

### 2.2.16 Specific Requirements in the Area of Work

#### Nature and Underlying Ethical Principles

There are specific ethical requirements that apply to community services and health that you must know. Everyone in your organisation must exhibit ethical behaviour when performing work responsibilities. This includes managers, supervisors, support workers, and others. Ethical behaviour ensures that clients and their families are protected from maltreatment.

## How This Responsibility is Applied in Organisations

As someone in community and health services, there are specific requirements you need to abide by. The ethical responsibility to meet specific requirements is stipulated by the laws mentioned in Section 1.2.16. There are three requirements that organisations have to address in their guidelines, policies, and procedures:

- **Guardianship**

The laws on guardianship are founded on the ethical principle of respecting the client's right to consent. To uphold these laws, the organisation can:

- implement procedures that require requesting consent for support activities and treatment
- educate workers about what valid consent is
- educate workers about the importance of consent
- train workers on how to seek consent from the client or the guardian.



- **Cultural Safety**

The laws on cultural safety are founded on the ethical principle of respecting and accepting different cultures. To uphold these laws, the organisation can:

- recognise cultural holidays and practices of employees and clients
- have workshops that can train employees to have cultural competency
- have culturally diverse employees make suggestions for the organisation's policies on diversity
- penalise cultural-related instances of discrimination and harassment.

## ▪ **Restrictive Practices**

The laws on restrictive practices are founded on balancing the principles of client welfare and independence. To uphold these laws, the organisation can do the following:

- Train workers to deliver person-centred care, where the needs and wants of the person guide the actions and decisions about the person's care.
- Have procedures and guidelines state that workers use evidence-based approaches when implementing restrictive practices. In other words, these practices should be justified with the evidence that there is no other alternative.
- Policies should state that restrictive practices should only be used as a last resort.



## **How This Responsibility Impacts Workers**

Integrating these requirements with organisational requirements will have the following impact on workers:

### ▪ *Prevents workers from breaking laws*

These requirements urge workers to behave ethically and adhere to relevant laws. It ensures that they are compliant with legal requirements while performing their duties (e.g. seeking consent from the client's guardian, treating Indigenous people fairly).

### ▪ *Educes workers about person-centred approaches to care*

Each of these laws is founded on the concept of placing the client at the centre of their care. The client's care should be adjusted according to their needs, goals, and preferences.

### ▪ *Educes workers about evidence-based approaches to care*

Restrictive practices need evidence-based justifications for their practice. As much as possible, the team involved with the client's care should find ways to refrain from applying restrictive practices.

## 2.2.17 Work Role Boundaries – Responsibilities and Limitations of Different People

### Nature and Underlying Ethical Principles

In the earlier discussion, you learnt that responsibilities and limitations are based on one's level of knowledge and experience. For example, managers have more complex responsibilities compared to support workers.

Ethical responsibilities for establishing work role boundaries are grounded on respect for individual abilities and capabilities.

### How This Responsibility is Applied in Organisations

Organisations can integrate the following into their guidelines, policies and procedures to integrate work role boundaries into the workplace:

Encouraging collaboration among those who have different roles

Mentioning explicitly expected and prohibited behaviour

Having official position descriptions per role

Having supervisors orient workers on how to work within their scope

### How This Responsibility Impacts Workers

Integrating work role boundaries into the workplace impacts workers in the following ways:

Aids them in resolving workplace issues

Allows a heightened sense of security and safety as they perform their roles

Facilitates better communication among people with different roles

Results in better performance due to clear role expectations

Here are examples of how employees can maintain a clear boundary between themselves and their clients:

- Refusing to provide services that are beyond what is specified in the job description
- Not discussing personal or sensitive information (about the employee themselves or other people within the organisation) with the client
- Refusing to accept items and other favours for clients in exchange for additional services

The following are examples of how employees can establish boundaries between themselves and other workers in the organisation:

- Not disclosing information about their client to other people in the organisation who are not involved in the services being provided to the client
- Refusing to lie or perform any dishonest actions to cover for a colleague or worker in the organisation.
- Setting clear expectations with supervisors regarding what forms of assistance or guidance are needed and what objectives or goals are expected to be met

## 2.2.18 Work Health and Safety

### Nature and Underlying Ethical Principles

Work health and safety is governed by national and state/territory legislation. Laws prescribe requirements that organisations must follow to ensure a safe workplace. Ethical practice concerning work health and safety means being proactive in identifying and eliminating risks. You are responsible for helping ensure health and safety in the workplace. You must practice accountability by identifying and acknowledging possible hazards and risks in the workplace and acting early to address them.



## How This Responsibility is Applied in Organisations

Since hazards and risks depend on effective work health and safety policies and procedures and compliance with work health and safety laws, your organisation must practice care in implementing guidelines. The following are general guidelines the organisation can implement:

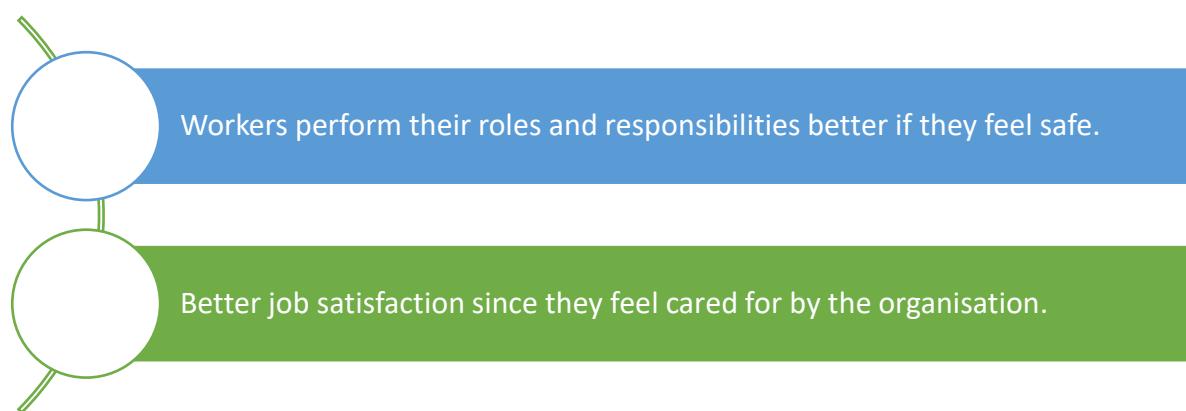
- Do not take shortcuts or compromises when following work health and safety policies and procedures.
- Be informed on work health and safety best practices related to your role.
- Call the attention of colleagues who are displaying unsafe work practices.
- Conduct thorough risk assessments as part of planning activities before implementation.
- Promptly and accurately record and report incidents or risks of non-compliance.

There must be a proactive approach in identifying risks and hazards in the workplace. Organisations should also have policies and procedures for identifying and reporting risks and hazards. Workers should be required to notify the company of these risks and hazards to prevent any injuries or harm to other workers and clients.

Performing these practices will ensure that your service remains compliant with work health and safety laws. By doing so, you are protecting everyone in your centre, including workers and families.

## How This Responsibility Impacts Workers

Work health and safety policies can impact workers in the following ways:



Aside from these, individual workers are expected to report risks and hazards immediately to their supervisor to prevent any injuries or harm. They are also expected to know how to identify risks and hazards in the workplace.

## Checkpoint! Let's Review



1. The scope of your ethical responsibility determines to what extent ethical practices apply to you.
2. You also need to know the nature of your ethical responsibilities. Knowing the nature of something means becoming familiar with its features and characteristics.
3. Aside from knowing the nature of your ethical responsibilities, you need to know how these are applied in organisations and how these impact the worker.



## 2.3 Meet Ethical Responsibilities

Thus far, you have learnt how to acquire information on ethical responsibilities. You also learnt how to analyse this information by understanding its scope and nature. This subchapter will focus on how to meet ethical responsibilities.

*Meeting ethical responsibilities* means applying moral principles while performing your duties and responsibilities in the workplace. You need to provide quality service that respects and empowers clients.

The following shows the consequences of not meeting these responsibilities:

Termination from employment

Failure to meet job expectations

Low-quality service delivery

The organisation may lose accreditation

Other penalties the organisation may have for offenders

To avoid these consequences, you may do the following to meet ethical responsibilities. The following points in the list are generally found in ethical guidelines throughout community service and health sectors:

- **Know the scope and nature of your ethical responsibilities.**

This point was discussed in the previous subchapter. Performing this practice will ensure that you are not overstepping any bounds. This method also ensures that you understand your ethical responsibilities. Understanding these responsibilities will guide you on how to meet these responsibilities.

- **Reflect on your personal values and attitudes.**

This topic will be discussed in Subchapter 2.5. *Personal values* cover what is essential to you. Values influence *personal attitudes*. Attitudes refer to how you approach situations. For example, since you value your career, your attitude in the workplace is to be professional.

Values and attitudes will also influence behaviour. You need to reflect on these since the cause of ethical or unethical behaviours can be traced back to your values. For example, you find yourself saying or thinking discriminatory thoughts. It could be possible that you do not value respecting cultures.

- **Meet ethical responsibilities across all workplace situations.**

Regardless of the scenario, you must always have an ethical approach to performing tasks. There may be situations where you would feel tempted to bend the rules.

For example, you have a close friend who made breached ethical conduct. Naturally, you are biased and do not want your friend to be terminated. However, meeting ethical responsibilities involves applying ethical principles in any situation.

- **The client's interests must come first in service delivery.**

The client needs to be prioritised in all aspects of community services and health. Regardless of your personal values and attitudes, the client's well-being has to take utmost importance.

For example, you are attempting to implement a program or an activity for the client. You have to collaborate with the client to adjust to their needs. This practice upholds the client's right to independence and self-determination.

- **Report any instance of breaches in ethical conduct.**

This topic was partly covered in mandatory reporting. Mandatory reporting typically refers to reporting cases of abuse and neglect. Ethical responsibilities cover mandatory reporting but go beyond it. Thus far, you have learnt about different organisational requirements such as standards, codes, and policies.



These cover ethical responsibilities from accurately reporting your working hours to harming clients and others.

It is insufficient to uphold ethical responsibilities; you also need to ensure that others around you are doing the same. Reporting these instances will aid in resolving matters immediately.

- **Speak up if you feel that certain work practices are unethical.**

Work practices vary across different organisations. Some of these may have unethical practices that upper management has overlooked. For continuous improvement, you need to inform a supervisor to make changes.

For example, there is a lack of sanctions for failing to inform the client of medical errors. The client has the right to know the progress of their care. You may suggest to upper management.

- **Consult with the appropriate people for ethical issues and dilemmas.**

In the workplace, you may encounter unexpected situations involving ethical issues. Before attempting to resolve a problem, you need the information to help you determine a course of action. You may acquire this by consulting with someone involved in the situation. Or, you may consult your supervisor to advise you on what to do. When consulting with people, ensure that you do not break privacy and confidentiality requirements.

For example, the client is incapacitated, and the family is now responsible for making decisions on the client's care. However, they cannot agree with each other's decisions. Since you are uncertain, you may consult with them about the rationale of their decisions. You can also ask your supervisor to give you directions.

When meeting ethical responsibilities, remember to abide by the following:

- **Workplace policies and protocols**

These will vary in different organisations. You may ask your supervisor or go through the organisation's staff handbook.

Policies and protocols are based on both legislative and ethical requirements. They can direct conduct in general and specific situations. For example, organisation X has anti-discrimination policies to make the workplace welcome to all sorts of people. This organisation also has protocols that inform you what to do if you see a coworker who said something discriminatory.



- **Scope of role**

This concept was discussed in Section 1.3.2. As mentioned in the previous subchapter, the scope of one's role and ethical responsibilities is related. The ethical responsibilities you need to meet depend on your role.

For example, upper management would be concerned with formulating and implementing policies. Their subordinates would primarily focus on meeting ethical responsibilities.

## Checkpoint! Let's Review



1. Meeting ethical responsibilities means applying moral principles while performing your duties and responsibilities in the workplace.
2. When meeting ethical responsibilities, remember to work within policies, protocols, and your scope of the role.



## 2.4 Discuss Potential Ethical Issues With an Appropriate Person

The *ethical practice* involves the act of meeting ethical responsibilities. Ethical responsibility is a broader term that involves identifying and applying ethical and moral principles. During ethical practice, it is inevitable that ethical issues will arise. This subchapter will focus on discussing potential ethical issues with the appropriate people. This topic is significant since you need to be prepared for ethical issues.



### 2.4.1 Ethical Issues and Dilemmas

#### Recognising Potential Ethical Issues

*Ethical issues* are situations that conflict with ethical principles. There are different types of ethical issues, such as the following:

Ethical Issue	Description
Discrimination	As mentioned in Section 1.2.6, discrimination means giving unfair treatment to people due to their identity or characteristics. For example, maltreatment of female clients due to a sexist attitude is discrimination.
Harassment	This term involves unwanted actions that offend, intimidate, or humiliate another person. An example would be unwanted touching or lewd verbal remarks.
Threat to health and safety	This term refers to an increase in hazards and risks that may cause harm to colleagues, clients, and yourself. An example would be a person who does not apply proper handwashing techniques, especially in a health setting.
Abuse and neglect	<i>Abuse</i> refers to the harmful and cruel treatment of someone. <i>Neglect</i> refers to the failure to care for a person adequately.

Breach of privacy and confidentiality	<p>As mentioned in Section 1.2.9, privacy refers to the right of individuals to keep personal information free from access by others. Confidentiality restricts access to certain information only to people who require the information.</p> <p>An example would be leaking client information in a manner that the client did not agree to.</p>
Conflict of interest	<p>This instance occurs when someone's personal interests may affect their ethical judgment. For example, two siblings work in the same company. Sibling A is undergoing disciplinary action for unethical conduct. Sibling B is typically part of the disciplinary committee, which decide how to sanction employees. If Sibling B is allowed to be part of the disciplinary committee, that would be a conflict of interest.</p> <p>Subchapter 2.8 will discuss how to resolve conflicts of interest.</p>
Theft	<p>This term refers to the criminal act of stealing. People could steal workplace items or clients' belongings.</p>
Lack of consent	<p><i>Consent</i> is when someone allows or permits another person to do something. In Section 1.2.9, informed consent was discussed in the context of privacy and confidentiality. However, it can also encompass support activities or health programs for a client.</p>
Breaking work boundaries	<p>This concept refers to overstepping boundaries between practitioners and clients. Refer to Section 1.2.11 for more information.</p>
Inaccurate records	<p>This concept refers to purposefully inputting the wrong information in company records. For example, you have been tardy at work several times. To avoid disciplinary action, you tamper with work documents to make it seem as if you were never tardy.</p>

Note that the types of ethical issues that may arise will vary in the context of your work role. Unlike others, people in leadership roles may be confronted with ethical issues of favouritism. For example, if they favour one subordinate over the other, they may choose not to discipline them and allow them to break work rules. Accountants may face a unique ethical issue: inaccurately recording data in accounting books. Support workers may encounter ethical issues of breaking practitioner/client boundaries. Other ethical issues that may arise in the support setting include:

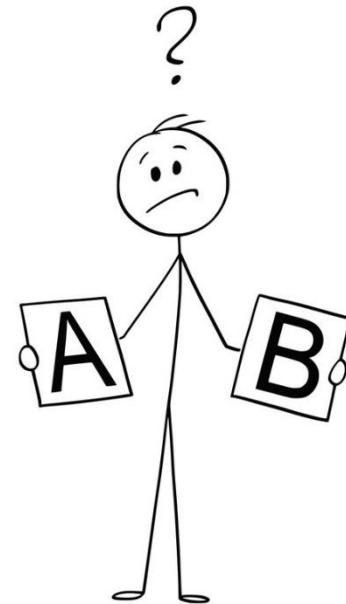
- Absence of clear directives from the family that forces the support facilities to make decisions, especially relevant to hospitalisation, intrusive/invasive intervention, etc.
- Ethical issues relevant to pain management
- Withholding or withdrawing treatment
- Palliative sedation
- Conflict of interest
- Support for client/family to make informed decisions, consent etc
- Not informed of rights, e.g. making a complaint or following through with it
- Not being treated as an individual and supported to meet individualised needs

### **Recognising Potential Ethical Dilemmas**

*Ethical dilemmas* are decision-making situations where there is a conflict in values and principles. Typically, the person making the decisions is confronted with the possibility of compromising on their ethical standards.

To recognise ethical dilemmas, you may look for the following characteristics:

- A decision has to be made
  - There are competing values, principles, and interests. Ethical issues deal with violations of ethical principles, but dilemmas are situations where the principles themselves are opposed.
  - Subchapter 2.6 covers solutions on competing value systems. Subchapter 2.8 covers resolving conflicts of interest. You may refer to these chapters for additional information on these types of ethical dilemmas.
- Each decision will involve compromising at least one ethical principle.



Examples of ethical dilemmas include the following:

- The client wants to engage in a sports program. Due to their health condition, this may be considered risky. In this case, you would be conflicted between the dignity of risk and duty of care.
- The client has a drug addiction and is currently being treated for a different medical condition. They requested pain-relieving medication. The service provider is hesitant since the client has a drug addiction. In this case, you would be conflicted between possibly worsening their addiction or helping them manage their pain.

#### 2.4.2 Discussing Potential Issues and Dilemmas

One way to respond to ethical issues is to anticipate their possibility and prevent these from happening in the first place. You may be able to spot ethical issues before or as they arise. It may be that you suspect an ethical issue or observe that it is about to happen. Doing so will help prevent issues and dilemmas from occurring. Discussing potential problems will also help you prepare if these develop into actual issues.

You may go through the following steps to properly discuss potential issues:

##### 1. Know who to approach.

The possible appropriate people to discuss an ethical issue or dilemma with would be any of the following:

Advocates/family members

Colleagues

External agencies (complaints and advocacy services: professional registering authorities, child protection authorities)

Health professionals

Law enforcement officers

Legally appointed guardian

Member of senior management

To decide which person to approach, you need to consult your organisation's privacy and confidentiality guidelines. Cases of abuse and neglect need to be reported to the proper authorities.

2. Organise the information you gathered about a potential issue or dilemma. Make sure it is accurate and have prepared any questions you want to ask the appropriate person.

Thus far, it would be best to gather the following:

- The possible issue or dilemma
  - The person or persons involved
  - Why you believe it may develop into an actual issue or dilemma
  - Your proposed plan of action
3. Understand the information you have gathered from the appropriate people. Do not hesitate to clarify and confirm your understanding of the conversation.
  4. Document the information you gathered from the appropriate people and report this to a supervisor.
  5. Use the information you gathered to create and finalise a plan of action. You may choose to consult your organisation's policies and procedures about this matter.

### 2.4.3 Responding to Ethical Issues and Dilemmas

There may be situations where a potential issue or dilemma has developed into an actual problem. There are different ways to respond to this situation. Your responses will vary per scenario. Often ethical issues and dilemmas can arise without warning and have unpredictable characteristics.

In this section, you will learn about problem-solving techniques. This technique is very general. Thus, you would need to adjust your problem-solving plan according to the situation at hand. And although ethical issues and dilemmas are different concepts, you may apply problem-solving techniques to both.



*Problem-solving* involves creating plans, implementing plans, and reviewing the outcomes. This process is beneficial for complex issues and scenarios.

### **1. Identify the ethical issue or dilemma.**

The initial steps of problem-solving involve fully grasping the situation. Use what you learnt in the previous section to help you identify the problem. You need to acquire the necessary details to help you formulate a plan of action.

Section 2.1.1 covered documents that have information on ethical responsibilities. As discussed in Section 2.1.3, you may interpret these documents to formulate a plan to tackle the issue. There may be guidelines that recommend a course of action. You can also refer to a protocol for that particular issue.



### **2. Refer to your organisation's guidelines, policies, procedures, and protocols.**

Your organisation may have encountered or anticipated the scenario you found yourself in. The first step to responding to ethical issues would be to refer to your organisation's policies since these indicate the steps you would need to take. If you find that the organisation's policies cover your situation, you may read these and skip to step 5.

### **3. Brainstorm the decision.**

You would need to take your time to plan for situations that are not covered by your organisation's policies. When it comes to this step, you can always consult with the appropriate people.

The term 'appropriate people' may refer to multiple roles. In this specific case, the appropriate person may be:

- supervisor
- a company hotline where you can anonymously discuss ethical issues
- an ombudsman.

#### 4. Weigh your alternatives.

When choosing your plan of action, you need to consider things such as:

- the client's well-being
- the organisation's policies, procedures, and guidelines
- possible hazards, harm, and risks that may affect the client
- the client's independence and well-being.



#### 5. Implement the decision.

Follow the plan of action you have determined from the previous steps. If unexpected situations come up during the implementation, you can do the following:

- Be firm with your decision. If you think that your decision will still produce the best outcomes, you should be assertive with its implementation.
- Be flexible with your decision. The unexpected situation may contribute to undesirable outcomes. You should reconsider the relevant factors (go back to Step 4) and make the necessary adjustments.

#### 6. Evaluate the outcome of the decision.

As you implement the decision, you need to note what occurred during the implementation phase. The implementation phase may have resulted in any of the following:

- The decision benefited the client.
- The decision harmed or increased the risk for the client.
- The decision had no effect.

## 7. Record and report what took place.

Regardless of the issue, you need to document and report the situation.

You need to report to an appropriate person to handle very complex situations. You may want to take this option if you are unsure how to apply problem-solving to the issue.

Refer to the previous section to recall what is meant by 'appropriate persons'.

Who to report to will depend on what the issue is. More details on this topic will be discussed in Subchapter 2.7.

## 8. Determine future actions based on the outcome.

The information on the events that transpired can be used to determine your next steps.

The following are case studies that demonstrate responses to ethical and legal issues:

### Meet Emma

Emma is an 84-year-old woman receiving aged care support at her home. She lives alone since her three children live in different cities. Emma has developed several medical conditions due to age. Notably, she has poor vision and weak lower limbs. She is also a fall risk since she has had one fall before and, as a result, needed a hip replacement. Emma needs a lot of assistance with daily activities. She also often uses assistive technology such as grab rails, glasses, a walker, and more.

Merrill is an aged care support worker who has recently been reassigned from Emma. The supervisor noticed that Merrill was upset by the reassignment. Later on, the supervisor finds out from another support worker that Merrill visits Emma outside work hours. When the supervisor confronts Merrill, they discover that Merrill recently lost her grandmother. Emma reminded Merrill of her grandmother, which convinced Merrill that she was the best support worker for the job.

### Legal Issues, Ethical Issues and Responses

- The legal issue in question would be the concept of duty of care in the Work Health and Safety Act 2011. Duty of care is the obligation to have the client's best interests in mind. Overstepping boundaries is a violation of this.
- The ethical issue in question is a breach of practitioner/client boundaries. Although Emma is unharmed, their relationship is inappropriate.
- Merrill's case should be forwarded to the service provider's disciplinary committee. Her mental state should also be assessed to determine if she is fit for the job of a support worker.

## Meet Jill

Jill is a 24-year-old Chinese-Australian woman receiving disability support. Ten years ago, Jill nearly died in a car accident. She ended with an acquired brain injury (ABI) and was in a coma for almost a month. After months of rehabilitation, Jill learnt how to walk again, albeit with assistive technology. Her speech is still impaired, and she processes information is slower than before. With assistance from disability support workers, she can work for an accounting firm.

Jill receives support three times a week. Each day has a different support worker. Emily has been Jill's support worker for years and knows her well. Recently, a new support worker, John, has been assigned to Jill. Lately, Jill has been avoiding support activities. Emily finds this odd and later discovers that John has been making racist remarks towards Jill. He is often rude and does not administer support properly.

### Legal Issues, Ethical Issues and Responses

- The legal issue would be the violation of laws on discrimination. In this case, the relevant law would be the Racial Discrimination Act 1975.
- The ethical issue in question is racial and cultural discrimination.
- Emily can encourage Jill to file a complaint against John. While John's case is being processed, he should not work with Jill.

## Meet Gerry

Gerry is a support worker who works in a hospital. He handles all sorts of clients and cases. Part of Gerry's duties is records management. Gerry updates the client's medical records and safely stores them on the office computer.

Gerry is friends with Paul, another support worker. Lately, Paul has been financially unstable. As a side hustle, he took on a job as an insurance agent. The organisation does not know about Paul's additional job. Paul, seeing an opportunity, asks Gerry for data on the clients to directly contact them to make a sale.

### Legal Issues, Ethical Issues and Responses

- Paul is attempting to get Gerry to make a breach of privacy and confidentiality requirements. The law relevant to this would be the Privacy Act of 1988.
- This case is not just an ethical issue but also an ethical dilemma. Gerry feels conflicted between his duty as a good friend and preserving privacy and confidentiality requirements.
- If Paul insists even after Gerry refuses, Gerry should proceed according to organisational policies and procedures. These procedures may involve reporting the information to a supervisor.

## Checkpoint! Let's Review



1. The ethical practice involves the act of meeting ethical responsibilities.
2. Ethical issues are situations that conflict with ethical principles.
3. Ethical dilemmas are decision-making situations where there is a conflict in values and principles.
4. Problem-solving involves creating plans, implementing plans, and reviewing the outcomes.



## 2.5 Recognise Personal Values and Attitudes and Ensure Non-Judgemental Practice

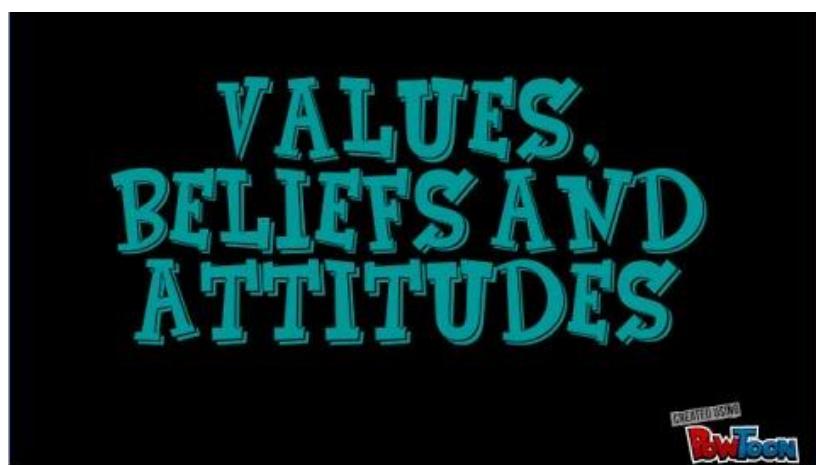
At times, difficulty or failure to meet ethical responsibilities is due to personal values and attitudes. In this subchapter, you will learn how to recognise your personal values and attitudes. Your objective in reflection on these is to ensure you apply non-judgemental practices.



### Multimedia

The following video defines the terms 'values' and 'attitudes'.

[Values, Beliefs and Attitudes Definitions](#)



*Non-judgemental practices* are ways of communicating without stigmatising and discriminating against others. Aside from communication, you also need to be aware that what you said or did is against non-judgemental practices. You will be applying these practices when interacting with both colleagues and clients.

Ensuring non-judgemental practices will have the following benefits:

- Builds trust and strengthens the relationship between you and the client
- Creates a welcoming environment where people can work or avail of services without fear of stigma or discrimination
- Ensures that people can easily collaborate since they can share their opinions in a safe space
- Aids in efficiently resolving issues since people would base solutions on rational thoughts instead of biases
- Prevents worker-to-worker and worker-to-client conflicts

You may ensure non-judgemental practices using the following steps:

### **1. Recognise your personal values and attitudes.**

Your personal values and attitudes influence how you communicate with and treat people. Therefore, you must become self-aware. Personal values and attitudes were briefly discussed in Subchapter 2.3. As mentioned, personal values cover what is essential to you. Attitudes refer to how you approach situations and are influenced by your values.

You can recognise these values and attitudes by doing the following:



- Start to be aware of whenever you are stigmatising or being discriminatory. Observe your word and thoughts. These are either hateful, stereotypical, or have no rational basis.

For example, you think of a particular group of people as generally aggressive or another group as weak.

- Analyse your words and thoughts. This practice will help you discover any underlying values and attitudes you have.

For example, upon reflection, you find out that your perspective is not based on unbiased, well-researched data. When you analyse further, you realise that you do not value respecting people of other backgrounds. Your lack of this value causes you to affect this group negatively. This attitude is expressed in rudeness and favouring others outside that group.

- Try to find out the root of these words and thoughts.

For example, you realise you associate negative characteristics with this type of person because your parents had the same way of thinking.

### **2. Be aware of your body language.**

Body language is another form of communication. Although it is non-verbal, it can still transmit information. Positive body language will encourage the person to communicate with you more openly.

For example, you directly face the person when they are talking. You do not look elsewhere and give them your attention. This body language shows the person that you want to listen to.

### 3. Empathise with others.

It can be challenging to understand why someone is saying or doing something. Instead of dismissing someone's opinions, you can 'put yourself in their shoes.' Use your imagination to find out why someone thinks or acts in a certain way. This practice will help you understand the other better.



For example, you attached a negative characteristic to someone since they act strangely to you. You can exercise empathy by thinking of what would cause someone to act in this manner.

### 4. Keep an open mind when communicating with others. Practice good listening skills.

When communicating with others, do not try to dominate the conversation. Listen when they are speaking and do not cut them off mid-sentence. Remain calm and acknowledge that you may learn something from the other person. Even if you do not agree with or like the person, focus on what they say. Try to understand why they think a certain way.

For example, someone is sharing an opinion that you disagree with. Instead of trying to win the argument, you can try to learn something new together.

### 5. Be more accepting of others different from you.

Sometimes, you can try but never fully understand or agree with someone. Unless they are harming anyone, there would be no need to take action. This instance can be due to a difference in background, personality, or values. You can never avoid working with people different from you. You also cannot prevent having clients that are different from you. Diversity in the workplace is highly beneficial since multiple perspectives can resolve issues. Therefore, you need to make adjustments.

For example, you have nothing in common with a colleague and never agree on anything. However, there are kind, apply ethical practices, and do their work well. You need to set aside your judgement and adjust to the colleague to work together efficiently.

## Further Reading



The Australian Government's Department of Health has information on values and attitudes on its website. The two links cover the significance of values and attitudes. These links also include exercises that help you assess your values and attitudes. Although the article is contextualised for working with young people, it can be applied to the general community services and health sector.

### 3.1 The significance of values and attitudes



## Checkpoint! Let's Review

1. Non-judgemental practices are ways of communicating while stigmatising and discriminating against others.
2. Be aware of your words and actions to recognise your values and attitudes.
3. Empathise with others and be more accepting of different cultures. This practice will help you work well with others and deliver quality services.



## 2.6 Solve Problems About Competing Value Systems

When meeting ethical responsibilities, you can encounter competing value systems. As you go through life, you each develop a value system. Values are taught by parents, friends, schools, media, and other avenues.

*Value systems* are sets of beliefs, values, and norms. These systems may be on an individual or societal level. Societal value systems are often expressed in legislation. Types of values may be religious, social, aesthetic, or ethical. In this Learner Guide, you will only be tackling the ethical type.

When working in community services and health, you may encounter situations where value systems compete. When two value systems compete, they are at odds with one another.

This situation may occur between you and the organisation, a colleague, or a client. Possible problems that may arise due to competing value systems are miscommunication and conflict.

If these problems are not solved, the following consequences may take place:

Disruption of work processes

Inefficient service delivery

Increase in stress levels

Creates tension between involved parties

To handle competing value systems, you may use the problem-solving process mentioned in Subchapter 2.4. The process was discussed in the context of general ethical issues and dilemmas. The same process can still be applied here.

The following is the problem-solving process contextualised for solving competing value systems:

### **1. Identify the problem.**

- Get a sense of the situation. Investigate what took place, when, where, and how it happened.
- In this case, describe the two or more value systems at odds in the situation.
- Understand the background of these value systems. Is it cultural, religious, etc.?

### **2. Brainstorm solutions.**

You may consult any of the appropriate people when thinking of a plan of action:

- The client
- Your supervisor
- An ombudsman
- The organisation's hotline for handling ethical issues and dilemmas



Aside from these people, you may also consult the various sources of information on ethical responsibilities. Refer to Section 2.1.1 for more details.

Tell them about the situation and the value systems that are at odds. Let them know whose value systems these are. It could be your and the organisation's values or the client's and its values.

### **3. Weigh your alternatives.**

Recall the items you need to consider mentioned in Section 2.4.1. These items include the client's well-being and independence. You need to make sure that as little harm as possible affects the client. At the same time, you have to ensure that the client has as much control as possible regarding their care.

You will be considering these when weighing alternatives. In this scenario, the alternatives would mean either favouring one value system over another or making a compromise.

#### 4. Implement the decision.

Remember to be firm with implementing the plan of action you have chosen. However, be ready to adjust your decision when unexpected situations arise.

You may have decided to favour a value system. However, it may be best to compromise with the other person due to new circumstances.

#### 5. Evaluate the outcome of the decision.

You need to assess the effects of the decisions. The effect can be beneficial or harmful to the people involved. You should take note of these and use them as a guide when making decisions in the future.



#### 6. Record and report what took place.

You need to update and record information related to the client. This practice is done to inform your supervisor about the progress of the client's care. Recording information will also provide details on why you made certain decisions.

#### 7. Determine further action points.

The information on the events that transpired can be used to determine your next steps. In this case, you can use what you learnt to help prepare for similar future situations where value systems are opposed.

Examples are as follows:

- The competing value systems were yours and the organisation. It turned out that the organisation's policies were unethical. Thus, adjustments can be made to amend the organisational policies.
- The competing value systems were between the client and the organisation. Certain cultures do not prefer that the organisation disclose a terminal diagnosis with the client. However, the organisation upholds principles of transparency and honesty. Possibly, you may amend policies to accommodate various cultures.

Aside from the problem-solving process, you can use problem-solving techniques to handle competing value systems. The process focused on the steps you can take to resolve conflicting values in the workplace. The techniques are focused on ways you can follow to solve a problem efficiently.

The following are problem-solving techniques you can use when handling competing value systems:

- **Thinking of possible outcomes**

Think of all the possible outcomes if you implement a solution. Consider the effects on the following:

- Clients, co-workers and employers
- Workplace dynamics
- Organisation's reputation
- Yourself as a worker in the organisation

For example, you received negative feedback from a client. You think that feedback was a personal attack. If you choose to confront the client about it, think of how it will affect you and your role, the client and the organisation's reputation.

- **Listing pros and cons**

When you want to weigh an option for a solution, you can list its pros and cons. When listing pros and cons, you need to make a chart. You need to enumerate the option's pros on one side of the chart. Pros are the arguments that support the option. It can include its positive effects and why it is a good action plan. On the other side of the chart, you must list the option's cons. Cons are the arguments against the option. It can include its negative effects and why it is a bad action plan. It is probably the best solution to implement if the option has more pros.



- **Consulting another person**

When you consult with another person, they can give you a different perspective about the situation. They may be able to explain other considerations that you may have overlooked. It is good to seek other people's opinions and advice before deciding. Their ideas may help you develop better solutions to the problem.



- **Looking at the bigger picture**

Sometimes, you need to take a step back and look at the situation wider. You may miss the root cause of the problems if you are too focused on the problem itself.

For example, you and your co-worker were assigned to work on a project together. You noticed that they were always late in submitting their outputs. You immediately thought that your co-worker could do better in managing their time. However, when you took a step back, you realised that your co-worker had a heavier workload than you. And so, you can see that it is not a time management issue but a workload issue.

- **Asking five 'whys'**

Asking 'why' five times is about getting to the root of a problem. You need to identify the problem and ask why it happened. When you have your answer, ask again why that answer happened. Repeat it three more times. Eventually, you will find out the actual cause of the problem. So instead of having a temporary solution, you can provide a solution that will better address the root cause of a problem.



### **Checkpoint! Let's Review**

1. Value systems are sets of beliefs, values, and norms.
2. The problem-solving process used to address competing value systems involve planning, implementing, and evaluating.
3. Problem-solving techniques are ways you can follow to solve a problem efficiently.

## 2.7 Report Unethical Conduct to an Appropriate Person

Meeting ethical responsibilities involves adhering to ethical principles and reporting unethical conduct. *Unethical conduct* is when someone fails to comply with an organisation's ethical codes and principles. This subchapter will focus on recognising and reporting unethical conduct.

### Recognising Unethical Conduct

Recognising unethical conduct involves being vigilant and knowing the signs of unethical conduct. Unethical conduct can affect both colleagues and clients.

The following table lists ethical issues with colleagues and clients' corresponding signs. Note that only some signs may apply to both colleagues and clients.

Unethical Conduct	Signs
<b>Discrimination</b>	<ul style="list-style-type: none"> <li>▪ Slurs and insults</li> <li>▪ Unfair pay and promotions</li> <li>▪ Lack of diversity in the workplace</li> </ul>
<b>Harassment</b>	<ul style="list-style-type: none"> <li>▪ Complaints</li> <li>▪ Behavioural changes such as crying</li> <li>▪ A decline in work performance</li> <li>▪ Tardiness and absenteeism</li> <li>▪ Delay in seeking treatment</li> </ul>
<b>Threat to health and safety</b>	<ul style="list-style-type: none"> <li>▪ Unused or damaged safety equipment</li> <li>▪ Not complying with policies and procedures on health and safety</li> <li>▪ High rates of workplace accidents</li> <li>▪ Lack of reporting health and safety breaches and errors</li> </ul>

Unethical Conduct	Signs
<b>Abuse and neglect</b>	<ul style="list-style-type: none"> <li>▪ Unexplained injuries, pain, or bruising</li> <li>▪ Multiple injuries in different stages of healing</li> <li>▪ Welts, rashes, blisters, lacerations, swelling, and signs of being restrained</li> <li>▪ Delay in seeking treatment</li> <li>▪ Over-sedation</li> <li>▪ Stained, torn, or missing clothes</li> <li>▪ Change in outward behaviour</li> <li>▪ Bite marks and/or injuries in private areas, including genitals</li> <li>▪ Difficulty sleeping due to persistent soiling or bedwetting</li> <li>▪ Inappropriate sexual behaviour (for children and young people)</li> <li>▪ Excessive masturbation, even in the presence of others</li> <li>▪ Being wary of physical contact</li> </ul>
<b>Theft</b>	<ul style="list-style-type: none"> <li>▪ Discrepancies in cash amounts</li> <li>▪ Missing equipment</li> <li>▪ Odd working hours</li> <li>▪ Colleague's lifestyle does not match their salary</li> </ul>

Unethical Conduct	Signs
<b>Threat to health and safety</b>	<ul style="list-style-type: none"> <li>▪ Unused or damaged safety equipment</li> <li>▪ Not complying with policies and procedures on health and safety</li> <li>▪ High rates of workplace accidents</li> <li>▪ Lack of reporting health and safety breaches and errors</li> </ul>
<b>Breaking work boundaries</b>	<ul style="list-style-type: none"> <li>▪ Personal disclosure</li> <li>▪ The client shows excessive favouritism for a colleague</li> <li>▪ A colleague accepts gifts from a client</li> <li>▪ A colleague spends time with the client outside work hours</li> <li>▪ A colleague insists on being assigned to a certain client for personal reasons</li> </ul>

### Reporting Unethical Conduct

Regardless of the situation, you must always report unethical conduct. The benefits of reporting unethical conduct would include the following:

Fosters a good work environment for colleagues and clients

Prevents organisational failure due to fraud and corruption

Protects the safety and well-being of the clients

Reduces future unethical conduct

You must also report the unethical conduct as soon as you become aware of it. Immediately reporting helps to prevent and resolve the issue.

You can report the unethical conduct to your supervisor. If the supervisor cannot resolve the issue, you should report it to higher authorities. Examples of these authorities are as follows:

- **Department of Health**

For reports concerning health services, you can visit the [Contact us](#) page of the department. You can use the 'lodge a complaint' button to file a report on that page.

- **Department of Social Services**

For reports concerning community services, you can visit the [Complaints Page](#) of the department. On that page, you can find guidelines on making a complaint.

You can refer to Section 1.2.4 for state/territory organisations handling unethical reports and complaints.

There may be particular documents that your organisation uses for reporting unethical conduct. Generally, you would have to fill out the following information:

- The time and date of the incident
- The date you identified the incident
- The date you reported the incident
- Client name and information
- The incident's description
- The emergency strategies implemented at the time of the incident
- The outcome or response of the client and others to the emergency strategy
- Actions taken to prevent the incident from happening again
- Follow-up actions needed to avoid another similar incident



You also need to record the unethical conduct. Here are the different ways you can record information correctly:

- Use formal language. Avoid using slang or figurative language.
- Write legibly.
- Be accurate and concise. Enter the information that others involved need to know.
- Do not include subjective information. Focus on facts and not opinions.
- Clarify information before putting it into writing.
- Make sure that you are entering information in the appropriate document.
- Include the date and time of relevant events, such as when you administered medications, when you submitted relevant reports, and when an incident has occurred.



### Checkpoint! Let's Review

1. Unethical conduct is when someone fails to comply with an organisation's ethical codes and principles.
2. Be objective, factual, concise, and clear when recording and reporting unethical conduct.

## 2.8 Resolve Conflicts of Interest

Conflicts of interest are one of many barriers to meeting ethical responsibilities. As mentioned in Section 2.4.1, conflicts of interest are when personal interests may affect an individual's ethical judgement. This subchapter will focus on recognising and taking appropriate actions against conflicts of interest.



### Multimedia

The following video defines the term 'conflict of interest'.

[Conflict of Interest | Ethics Defined](#)



### Recognising Conflicts of Interest

Conflicts of interest may be either potential or actual. *Actual conflicts of interest* are occurring at the present moment. *Potential conflicts of interest* pose no ethical dilemmas at the moment but may develop later on.

To recognise a conflict of interest, you need to consider:

- the overall situation
- the people involved
- the interests of the people involved
- the safety and well-being of the people involved.



Given the information above, ask yourself, 'Will any aspect of this affect one's ethical judgment?'

The following scenarios illustrate conflict of interest:

- The employee handling a waiting list for a hospital has a sick relative. The employee wants to do their job well. At the same time, the employee also wants their relative to be healthier. The well-being of all clients on the waiting list is at stake. This situation is an example of an actual conflict of interest.
- Two disability support workers are close friends. Worker A catches Worker B being abusive towards a client. Worker A would feel conflicted between preserving their friendship and the client's well-being. This situation is an example of an actual conflict of interest.
- Someone is seeking a job in education support. Their spouse also works in education support but is already in senior management. Since the person is considering working in the same organisation, there is a potential conflict of interest.

### Resolving Conflicts of Interest

The benefits of resolving conflicts of interest include the following:

To ensure that one makes the best possible ethical judgment

To have a fair workplace system

To maintain a culture of transparency

To ensure that the client's well-being is not compromised by personal interests

Now, you already know how to recognise conflicts of interest. The next thing to learn about is how to resolve this issue. The general way to resolve conflicts of interest would be to avoid, prevent, or eliminate them.

You may do this through the following ways:

- *Comply with organisational guidelines, policies, and procedures.*  
Your organisation may have already anticipated conflicts of interest beforehand. If you find yourself in such a situation, it would be prudent to first refer to your organisation's requirements.

- If there is a lack of policies against conflicts of interest, suggest the management develop such policies.

Policies that are effective against conflicts of interest are characterised by the following:

- They clearly outline expectations the organisation has for the employee.
- They clearly state what prohibited activities are, which may include relationships between a superior and a subordinate.
- They state the specific sanctions the organisation can give to violators of these policies.
- There is a particular avenue for people to disclose conflicts of interest.
- The organisation's policies stipulate the creation of a review committee or board for handling such issues.

- Be aware of how your personal interests may affect your judgment.

Recall how to recognise a conflict of interest. This recognition can result from an adequate analysis of the situation. Think about the situation and the decisions you have to make within it. Confront each factor that may influence your decisions.



- Be aware of how your colleague's personal interests may affect their judgment.

A colleague's interests would be less apparent to you than your own. However, you can use your imagination to help you determine if they have a conflict of interest. You could ask yourself if their decision is motivated by personal gain rather than the client's well-being.

- Be transparent if you have a conflict of interest.

Once you are aware of your conflict of interest, you need to disclose this. If your organisation's policies are well-formulated, these would have indicated how to disclose your conflict of interest. If there is no specified avenue for you to disclose this, you may approach your supervisor.

- As much as possible, try to remove yourself from the situation.

The best possible scenario is to avoid getting into situations where you have a conflict of interest. For example, if your mother-in-law supervises a team in your company, you should not request to be transferred to that team.

- *If you cannot remove yourself from the situation, you may apply problem-solving skills to handle the dilemma.*

There may be times when it would be difficult or impossible to avoid the situation. Thus, you can apply the problem-solving steps you learnt in Section 2.4.2 since conflicts of interest are a type of ethical dilemma.

- *During unexpected situations, consult with your supervisor to seek appropriate actions.*

### Checkpoint! Let's Review



1. Actual conflicts of interest are occurring at the present moment.
2. Potential conflicts of interest pose no ethical dilemmas at the moment but may develop later on.
3. The general way to resolve conflicts of interest would be to avoid, prevent, or eliminate them.

### Learning Activity for Chapter 2



Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

## III. Contribute to Workplace Improvements



You have learnt about your work's legal and ethical considerations in the previous chapters. The chapters discussed relevant sources of information. You studied how to work legally and ethically.

This chapter focuses on how you can contribute to the betterment of your organisation. Using your knowledge on legal and ethical matters, you can share recommendations and suggestions to improve the workplace system.

In this chapter, you will learn how to:

- identify areas for improvement on meeting legal and ethical responsibilities
- share feedback with colleagues and supervisors
- contribute to the review and development of policies and protocols.

## 3.1 Identify Areas for Improvement on Meeting Legal and Ethical Responsibilities

It has been established that work practices should be legal and ethical. Ideally, your workplace complies with legal requirements and fulfils its ethical responsibilities. However, you may still encounter situations indicative of a need for improvement. You need to take note of these situations so you can suggest better work practices.

### 3.1.1 Legal Responsibilities

Legal responsibilities are anchored in the existing laws. These laws are reflected in organisational policies and procedures. For you to identify situations where legal responsibilities can be improved, you can:

evaluate work practices

ask your colleagues questions

obtain feedback from clients.

- **Evaluate work practices**

- Observe how policies and procedures are implemented. (Are there systems in place so that employees can comply with policies?)
  - Check if you and your colleagues are following policies properly and completely.

- **Ask your colleagues questions**

- What do they think of company policies and procedures? (Are they unfair? Reasonable?)
  - How are they in terms of complying with company policies and procedures? (What areas are challenging?)

- **Obtain feedback from clients**

Get verbal or written feedback from clients regarding the service they received.

With the information you gathered, you may identify situations that can better comply with policies and procedures (and with legal requirements essentially). Examples of those situations are as follows:

- The workplace may have a filing cabinet to comply with recordkeeping policies. However, the files are still disorganised.
- A colleague may think that their pay rate is insufficient compared to their workload.
- A client may think that an employee has overstepped their professional boundary while providing service to the client.

### 3.1.2 Ethical Responsibilities

Universal moral values guide ethical responsibilities. They may also be reflected in organisational policies and procedures. However, they are more apparent in the code of ethics and conduct. These codes specify the values of a workplace. They provide guidelines on how to promote company values through work practices.

To identify situations where ethical responsibilities can be improved, you can follow the same steps in the previous section. You may also do the following:

- **Evaluate work practices**
  - What are the values being reflected in the workplace systems?
  - How are these values being reflected?
- **Ask your colleagues questions**
  - Do they agree with the values of the company?
  - How are they in terms of abiding by and promoting company values?
- **Obtain feedback from clients**

Get verbal or written feedback from clients regarding the service they received.



With the information you gathered, you may identify situations that can better abide by and promote company values (and with ethical responsibilities essentially). Examples of those situations are as follows:

- The organisation emphasises the safety of its employees. However, the equipment that they provide to their employees is substandard.
- Your workplace values equality. However, a colleague with a disability feels discriminated against due to the lack of accessible facilities.
- High-quality service is one of the standards in a company. However, a client may feel that an employee is not well-trained for their role.



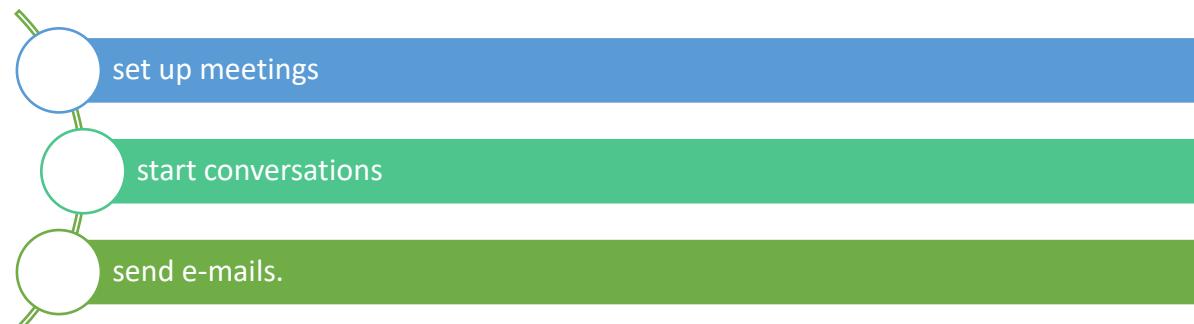
### Checkpoint! Let's Review

1. The procedure for identifying situations where legal and ethical responsibilities can be improved involves:
  - evaluating work practices
  - asking your colleagues questions
  - obtaining feedback from clients.
2. Legal responsibilities are anchored in the existing laws, while universal moral values guide ethical responsibilities.

## 3.2 Share Feedback With Colleagues and Supervisors

Once you have identified areas that need improvement, you must share the information with the appropriate persons. They should also be informed to contribute to improving work practices. They can take necessary actions to better their work practices or address the problem. They can also give suggestions on how to work through the issues.

You must proactively share feedback with your colleagues and supervisors. Pro-active means you are the one initiating the action. To do this, you can:



- **Set up meetings**

If the feedback is essential and significantly affects the workplace, you may schedule a meeting with your colleagues and supervisors. Before the meeting, you should create an agenda and outline your discussion points. Since you are the one who set up the meeting, be ready to facilitate the discussion.

During the meeting, you can give a brief background about the feedback (how it came about). After that, you can discuss:

- how it affects your client
- how it affects the employees
- how it affects the organisation as a whole
- what needs to be done to resolve or improve the concerns entailed in the feedback.

- **Start conversations**

If it is minor feedback, you may choose to mention this to the people concerned. If it is within your job scope, you may discuss the feedback with your colleague. When doing this, remember to:

- be objective
- communicate clearly
- stick to your purpose. (Is it to inform? Resolve an issue?)

- **Send e-mails**

If your purpose of sharing feedback is just to inform, you may also send an e-mail to notify the appropriate person.



### Checkpoint! Let's Review

1. Pro-active means you are the one initiating the action.
2. To proactively share feedback with your colleagues and supervisors, you can:
  - set up meetings
  - start conversations
  - send e-mails.



### Multimedia

The video below shows how feedback from clients and service providers can contribute to improvements in a workplace.

[Continuous improvement in practice](#)



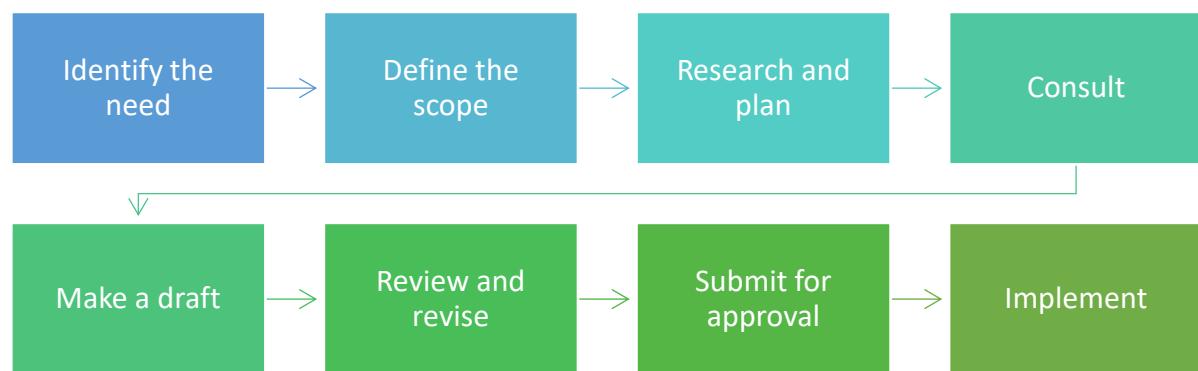
### 3.3 Contribute to the Review and Development of Policies and Protocols

Another way to contribute to workplace improvements is to review and develop policies, procedures, and protocols.

To recap, these are the definitions:

- **Policy** – States the organisation's intentions to achieve particular outcomes
- **Procedure** – Outlines the appropriate way of going about a task
- **Protocol** – A rule that explains procedures and conduct that one must follow for a specific situation

In general, this is how policies, procedures and protocols are developed:



#### 1. Identify the need

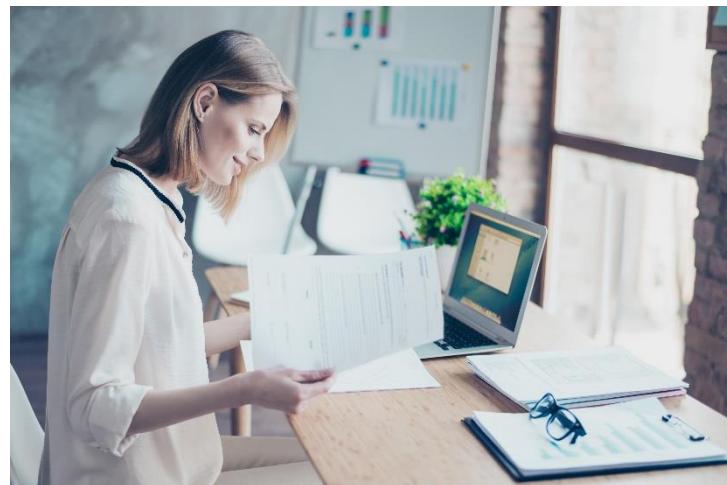
- i. Why should it be developed?
- ii. What need will it address?
- iii. How did this need arise?

#### 2. Define the scope

- i. What areas of work is it relevant to?
- ii. What specific tasks will it cover?
- iii. Who does it apply to?

### 3. Research and plan

- i. What information is needed?
- ii. Where can this information be found?
- iii. Are the sources credible?
- iv. Is the need discussed before?
- v. What was learnt during the discussion?



### 4. Consult

- i. Who are the stakeholders?
- ii. What are their thoughts about the draft?
- iii. Would they like to make some revisions?

### 5. Make a draft

- i. Is there a template for making the document?
- ii. Who should write it?
- iii. What information should be included?

### 6. Review and revise

- i. Does it meet legal requirements?
- ii. Does it meet ethical requirements?
- iii. Has changes been made based on the suggestions of stakeholders?

### 7. Submit for approval

- i. Has the document been finalised?
- ii. Who should approve the document?

### 8. Implement

- i. Should you announce before implementing it?
- ii. How are workers expected to comply?
- iii. What are the consequences of noncompliance?

Once implemented, policies, procedures and protocols should be monitored. A regular review may be done to determine if they address the identified need. Some situations that may trigger a review are as follows:

Needs are not effectively addressed

A legal or ethical issue has arisen

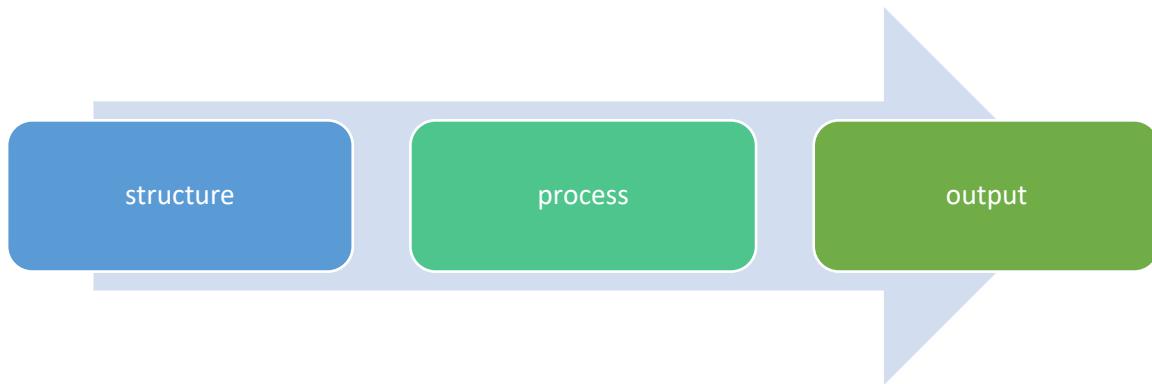
A stakeholder requesting a review

Changes in the sources of information (e.g. legislation, standards)

In general, policies, procedures and protocols should be reviewed when:

- There is an ongoing need to review the policy, procedures or protocol as specified in its stated purpose and goals, or to ensure that it remains consistent in relation to the organisation's overall strategic plan.
- There is a need to review the compliance of workers and involved personnel in terms of the way that the policy, procedures or protocol is being followed.
- There is a potential need to change the policy, procedures or protocol to improve its effectiveness or to clarify relevant documentation.
- There is a potential need to change the policy, procedures or protocol to ensure it is up to date and aligns with best practice in industry and/or higher education.
- There is a need to review the policy, procedures or protocol as part of the organisation's compliance with legislative requirements.
- There is a need to change the implementation process of a policy, procedures or protocol, for instance, when additional communication or staff training activities could be required.

Conducting a formal review of policies, procedures and protocols can be done through a structure-process-output perspective. Here are some guide questions that you can use when applying this perspective:



- Structure:
  - Are all staff aware of the policy, procedures or protocol?
  - How do you ensure staff awareness?
  - Is the policy, procedures or protocol in a location that is easily accessed by the staff?
  - Is there availability of appropriate equipment to meet the needs of the policy, procedures or protocol?
  - Are all relevant staff available to meet the needs of the policy, procedures or protocol?
  - Are there logbooks/database/computer/check sheets for the collection of data?
  - Are all staff trained in meeting the requirements of the policy, procedures or protocol?
  - How are training needs identified?
  - Is the work environment appropriate?
  - Does the policy, procedures or protocol involve all relevant staff – or are there staff outside the policy, procedures or protocol involved in the process?
  - What standards are used to inform the processes described/recommendations made?

- Process:

- Is the policy, procedures or protocol still in line with current evidence based best practice?
- Would the policy, procedures or protocol pass the ‘Test of Peers?’
- Are all staff doing as policy, procedures or protocol states? How do you know?
- Is responsibility clear for all parts of the process as indicated in the policy, procedures or protocol?
- What data are you collecting to ensure all staff are compliant with the described processes?
- What are your processes if you determine non-conformance of staff with the policy, procedures or protocol?
- What data are you collecting to demonstrate ongoing compliance to the policy, procedures or protocol?



- Output
  - What data are you collecting to demonstrate ongoing achievement of the desired outcomes?
  - Are there standards being adhered to? Are these referenced?
  - Is the policy, procedures or protocol in line with evidence based best practice? Is this evidence referenced?
  - Do you know if this policy, procedures or protocol is meeting the needs of the patient/customer?
  - How do you measure customer satisfaction?
  - How do you know if changes/improvements to the policy, procedures or protocol are being implanted?
  - Are desired results being achieved for (A) the staff, and (B) the clients?
  - Are there clear outcomes identified in the policy, procedures or protocol?
  - What is being done with the results of the measurement of the performance indicators?

The review should be done through consultation with relevant stakeholders (see guide questions on Step 4). During the consultation, you can focus on the pertinent parts. Here are some of the people who must be consulted during reviews of policies, procedures and protocols.

- Clients
- Clients' carers or families
- Support workers who were involved in the implementation of the policies, procedures and protocols
- Authorities in the community services and health industry
- Workplace Health and Safety Experts
- Medical experts, including healthcare practitioners overseeing the health of the clients
- Personnel tasked with analysing and processing relevant data



Aside from consultation, stakeholders can give their inputs through various mechanisms such as:

- **surveys** – used to gather feedback, suggestions, recommendations and other comments
- **meetings** – used to gather the mentioned information and discuss them further
- **self-assessment tools** – used to check how individuals comply with policies, procedures and protocols.

Now, you have an idea of how policies and protocols are reviewed and developed. You can identify and take opportunities how to contribute to these processes.

## Policies

Here are some opportunities that may indicate a policy should be developed:

- A new law, standard or guideline relevant to your organisation has been implemented.
- You identified a workplace need that has not yet been addressed.

Here are some opportunities that may indicate a policy should be reviewed:

- An update has been made in the relevant law, standard or guideline.
- Workplace procedures are not effective.
- Colleagues may have concerns regarding specific policies.

Read the case study below to see how a policy can be used to enhance workplace responsiveness to legal and ethical requirements.

### Policy Review

An industry standard and relevant guidelines were updated to protect the student's information better. An education support worker heard the announcement. He checked the school's privacy policy. The policy needed to be revised according to the new guidelines.

He communicated it to his supervisor. He suggested how the policy can be modified to improve the security of students' information.

The supervisor acknowledged his suggestion and relayed it to the school administration to review the policy.



In the case study from the previous page, the education support worker took the opportunity to suggest a policy review. If approved by the administration, his suggestion can be reflected in the school's work practice on securing students' data.

## Protocol

Here are some opportunities that may indicate a protocol should be developed:

- The workplace has no existing protocols.
- You identified a workplace situation or issue with no standardised process for responding to it.

Here are some opportunities that may indicate a protocol should be reviewed:

- Workplace issues are not effectively addressed.
- Protocols are not clear.
- Protocols do not fully address all possible situations or issues that may happen.

Once you have identified these opportunities, you can take appropriate actions to review and develop policies and protocols. Some of the opportunities that you can take are:

- bringing it up to your supervisor or other appropriate persons
- creating a proposal for the review and development of policies and protocols
- using the input mechanisms in your workplace to express your suggestions, recommendations and other comments
- participating in policy and protocol consultations.

Read the case study below to see how a protocol can be used to enhance workplace responsiveness to legal and ethical requirements.

### Protocol Development

A client told a disability support worker that she was being abused. The client had a cognitive impairment, so she had a reason to doubt if that was true. She observed the client and found no bruises or other signs of physical abuse.

She did not know how to respond because it was the first time she had encountered this situation. There were no protocols in place to guide her of the proper approach.

She communicated the situation to her supervisor. She also created a proposal to develop a protocol to address similar concerns.



In the case study, the worker proposed a protocol to respond legally and ethically better when the same issues come up.

## Further Reading



The link below shows additional information on developing policies, protocols and procedures.

[Developing Policies, Protocols and Procedures](#)

## Checkpoint! Let's Review



1. The steps in developing policies, protocols and procedures are as follows:
  - i. Identify the need
  - ii. Define the scope
  - iii. Research and plan
  - iv. Consult
  - v. Make a draft
  - vi. Review and Revise
  - vii. Submit for approval
  - viii. Implement
2. Stakeholders can give their ideas through:
  - surveys
  - meetings
  - self-assessment tools.

## Learning Activity for Chapter 3



Well done completing this chapter. You may now proceed to your **Learning Activity Booklet** (provided along with this Learner Guide) and complete the learning activities associated with this chapter.

Please coordinate with your trainer/training organisation for additional instructions and guidance in completing these practical activities.

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