



QUEENSLAND
TEACHERS' UNION
OF EMPLOYEES

Preliminary response to

Queensland Sentencing Advisory Council inquiry into penalties for assaults on police and other frontline emergency workers, corrective services officers and public officers

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Preface

The Queensland Teachers' Union (QTU) proudly represents more than 47,000 teachers, principals and other education leaders in almost 1300 state schools and TAFE institutes. The QTU is the democratic voice of state school teachers and principals on professional and industrial issues. We have promoted and protected public education throughout the state of Queensland for more than 130 years.

The opportunity to provide this preliminary response on behalf of teachers, principals and education leaders in Queensland state schools and TAFE to this inquiry by the Queensland Sentencing Advisory Council is appreciated by the teaching profession.

The QTU notes the Terms of Reference dated 2 December 2019, formally issued to the Queensland Sentencing Advisory Council by the Attorney General and Minister for Justice, the Honourable Yvette D'Ath, and that the Queensland Sentencing Advisory Council is seeking initial feedback "to assist in identifying key issues to be explored in responding to the reference".

The complex issue of keeping people safe at work and online is presenting big challenges for Queensland schools and their communities. The QTU has been working with members to strengthen understanding of how workplace health and safety and wellbeing principles and procedures operate to keep students, teachers and educational leaders safe.

The Queensland Teachers' Union, in partnership with other unions, has shaped the department's Occupational Violence Prevention Procedure. The Queensland Teachers' Union reaffirms the importance of this procedure, which includes reporting "near misses" as WHS incidents and we have called on the Department of Education to prevent and effectively respond to WHS concerns in schools.

The Queensland Teachers' Union supports the recommendations of "Adjust our Settings: A community approach to address cyberbullying among children and young people in Queensland" and urges the Queensland Government to also acknowledge the harmful effect of cyberbullying on teachers and principals, and to act immediately to provide comprehensive protections from cyberbullying for all school employees.

The principal contact for the Queensland Teachers' Union in relation to this inquiry will be QTU President, Mr Kevin Bates, who can be contacted on [REDACTED] [REDACTED] [REDACTED] [REDACTED]. As per the request in your letter dated 6 December 2019, please note that the contact officer for the Queensland Teachers' Union for matters such as data requirements arising from this inquiry will be the Assistant Secretary – Services, Ms Kevina O'Neill – [REDACTED].

The Queensland Teachers' Union is pleased to provide this information for consideration, and we look forward to involvement in this inquiry.

Graham Moloney
General Secretary
24 January 2020

Recommendations for further investigation

In consideration of the Terms of Reference, the Queensland Teachers' Union makes the following recommendations for further investigation.

1. What is the accepted definition of occupational violence in Queensland and how can its scope be described using clean data captured across the public sector?
2. What data should be collected, when should it be collected and by whom?
3. How does Queensland foster a culture of reporting of occupational violence, share best practice and guarantee consistent and timely support for victims across the public sector?
4. What is being done, and what more can be done, to prevent occupational violence in public sector workplaces?
5. How does the community achieve equilibrium between the absolute obligation at law to keep workers in schools safe and healthy, with other accepted community norms such as age appropriate legal responsibility of children and young adults and the specific right to education afforded by the *Queensland Human Rights Act 2018*?
6. Do the current legal protections for teachers, principals and school support staff effectively provide a safe and healthy working environment?
7. To what extent is inappropriate behaviour in cyberspace (online behaviour) captured by existing protections, how effective are those protections in delivering on the legal obligations of employers in schools with regards to a safe and healthy workplace and what enhancements are needed to future-proof such protections?
8. How might legal protections for workers in schools be enhanced to more effectively serve and protect health and safety in the physical workplace? For example, would the creation of specific legal protections in the Queensland Education (*General Provisions*) Act enhance the provisions of section 340 the current Queensland criminal code for school-based employees?

Key Issues

Lack of data

There is an acute lack of clean data on the scope and extent of occupational violence in schools and TAFE, and likely across other government departments as well. The scale of the problem facing Queensland communities because of occupational violence is therefore unclear.

The Queensland Teachers' Union regularly supports members who have been the subject of occupational violence in state schools and TAFE institutes. This support often relates to issues arising from:

- the management of incidents in schools by the employer or their agents
- access to the Queensland Police Service to make a formal complaint, or
- WorkCover claims lodged by members.

The Queensland Teachers' Union does not keep aggregated data on reports from our members of occupational violence.

Education unions around Australia have had a focus on occupational violence for the past three years. The issue is well advanced in Western Australia, Victoria and the Australian Capital Territory and in those jurisdictions data collection is given a high priority. One feature of this campaign has been raising awareness of workers in schools of their rights to be safe and healthy at work. In each jurisdiction there has been a spike in reports of occupational violence, as distinct from a sharp rise in the number of incidents of occupational violence.

The Department of Education does not, as far as we are aware, deliberately keep aggregated data on incidents of occupational violence in schools.

TAFE Queensland does not, as far as we are aware, deliberately keep aggregated data on incidents of occupational violence in TAFE Institutes.

Typically for a jurisdiction in the early stages of development in addressing occupational violence, Queensland school-based workers do not report occupational violence because:

- based on lived experience, they see no value in reporting as they expect no action from the employer to support them
- children and their needs are valued by the system above the protection of workers – workers in schools believe that they are largely invisible and their plight unheeded
- they expect no support from the courts or legal processes because the perpetrators are often children, some as young as 4 ½ years of age.

WorkCover claims appear to be the only aggregated data set that identifies “assaults or exposure to occupational violence” as a cause. The Queensland Teachers' Union is aware of a spike in WorkCover claims reported regularly to the Queensland Parliament through “Questions on Notice” regarding the number of incident reports filed with the Department of Education for verbal or physical threats and assaults against teachers and administrative staff in schools.

The latest iteration of the question was asked in June 2019 and a link to the “Question on Notice” and subsequent answer tabled in Parliament is provided at Annexure [QTU1](#). The

question specifically requests data for the years 2014-15 to 2018-19. The total WorkCover claims involving “assault by person” or “exposure to occupational violence” reported for teachers in each year is reported as follows:

2014-15	157	2017-18	257
2015-16	167	2018-19*	272
2016-17	150		

* For eleven-month period ending 31 May 2019 only

The collection of accurate data is critical to an assessment of the scope of the issue of occupational violence and to shaping the response by the employer.

Nuanced data collection would allow reporting and consideration of issues connecting occupational violence to factors such as gender of perpetrator, gender of victim, geographical location of school, locations within schools, time of day and time of year. Assessment of risk would greatly benefit from access to such data and provide a foundation for targeted approaches to the elimination of occupational violence in schools.

Without an accurate data set beyond formal WorkCover claims, unlikely in the absence of a culture of reporting, it is difficult to contemplate how the Queensland Sentencing Advisory Council can assess the impact of current legislation or predict the impact of prospective legislative changes.

Case Study 1 – Australian Principal Health and Wellbeing Survey

A nine-year longitudinal survey of principals in Australian schools has found that, on average, more than 40 per cent of principals have experienced threats of violence (45 per cent in 2018) and, on average, more than 30 per cent have experienced actual violence (37 per cent in 2018) with reported incidents increasing in the annual survey.

The reported rates of experience of physical violence peak at over 50 per cent in the Northern Territory and the Australian Capital Territory while Queensland sits at 36 per cent.

A link to the 2018 report of the Principal Health and Wellbeing Survey is provided as Annexure [QTU2](#). The 2019 report will be released in early 2020.

The survey has been widely accepted across the Australian academic and education communities. It has been extensively reported in the media and has now also been delivered in Ireland and New Zealand. The same findings have been repeated in each of the eight years of published data. The same recommendations for urgent action are made each year.

Queensland has begun addressing the wellbeing concerns contained in the Riley research, with that work led by Associate Professor Riley himself. This work is supported by an \$8 million investment by the Queensland government. The issue of threats and physical violence has not yet been addressed effectively.

Based on this information alone there would be more than 400 cases of actual physical violence against principals in the principal class of about 1240 individuals. Using the incidents of occupational violence for principals as a guide, that would mean up to fifteen

thousand cases of actual physical violence against teachers each year. The scope of occupational violence amongst school support staff is also largely unknown and they suffer from an even greater lack of visibility in the public debate around this issue.

Lack of awareness of occupational violence and protections

Occupational violence has always been experienced in schools. Anecdotally, that experience in Queensland schools has gone from rare and intermittent to frequent and regular over the course of just the past 30 years.

The increasing international significance of occupational violence is highlighted by the 2019 International Labour Organisation Convention concerning the Elimination of Violence and Harassment in the World of Work (ILO Convention 190). Australia has not ratified the new Convention, it is never-the-less instructive on the issues and approaches recommended by the global community to eliminate violence and harassment from the workplace.

A link to the ILO Convention concerning the Elimination of Violence and Harassment in the World of Work is provided as Annexure [QTU3](#).

Just as the issue of domestic and family violence had to be deliberately raised in the community's consciousness to begin the process of acceptance of the issue and the need for a whole-community change before that issue could be dealt with, naming inappropriate behaviours in schools as occupational violence is a prerequisite to beginning to achieve culture change. Occupational violence in schools can only be addressed when the community acknowledges and values safety in schools as workplaces.

In 2010 the state government established the Queensland Schools Alliance Against Violence (QSAAV). At that time, the issue of occupational violence did not feature strongly in the deliberations of the high-level representative group that formed QSAAV with the focus instead being on student violence without acknowledging that teachers, principals and school support staff are regularly victims. One research piece produced by QSAAV is the paper "Working Together" from November 2010, which sets out a useful body of supporting evidence for action in schools and provides guidance on effective strategies to support students.

A copy of the Queensland Schools Alliance Against Violence publication, *Working Together*, is attached as Annexure [QTU4](#).

Teachers and principals must meet very high standards of personal and professional behaviour. Standards set by the profession itself, by employing authorities and by the Legislature.

Teachers and principals observe that a wide variety of behaviours that would not be acceptable in any other community context occur in schools with little or no acknowledgement or response.

The anecdotal evidence is that Queensland teachers and principals believe:

- they have no right to safety at work
- student safety and wellbeing are absolute and their employer values that over employee safety and wellbeing

- their employer looks first to establish what blame can be placed on the actions of the employee in circumstances where the employee has been injured in an assault or exposure to other forms of occupational violence involving a “client”, students or parent/caregiver.

This anecdotal evidence is supported by work undertaken by our sister unions in Western Australia, Victoria and the Australian Capital Territory.

There is also a general lack of awareness among educators of legal protections afforded to them both in terms of workplace health and safety and section 340 of the criminal code. Indeed, most teachers and principals are surprised to learn that they are protected by the same legislative framework as that which underpins the high-profile media campaign around health workers, paramedics and ambulance officers.

The QTU addresses these issues regularly in professional learning sessions, “Teachers and the Law” conducted by solicitors from the Queensland Teachers’ Union’s legal partners Holding Redlich. This is an important process of the profession speaking to itself, but it does little to educate the general population about expected standards of behaviour in schools and the consequences for inappropriate behaviour choices.

Lack of visibility of action to support teachers and principals

Evidence from other jurisdictions, particularly Victoria and the Australian Capital Territory, suggests a close link between community attitudes to domestic and family violence and occupational violence experienced in schools.

Occupational violence in schools is by its nature gendered violence because the workforce is predominantly women. The impact of violence with no consequences is empowerment of males to be perpetrators through reinforcement of unhealthy norms under deep scrutiny in other parts of the community.

The psychological impact of witnessing violence against teachers and principals, particularly on female students but on younger students of both genders, is significant and a basis for concern.

In Victoria, the Department of Education and Training has begun to address these issues through encouragement of schools to engage in the “Partners in Prevention” program, closely linked to domestic and family violence prevention and respectful relationships education.

The general malaise surrounding occupational violence in schools reinforces negative standards of behaviour. Children as young as five years of age are committing what appear to be serious assaults on teachers and principals in the course of their duties and there is little or no support for the student perpetrator or the employee, be they a teacher, principal or school support staff member, who is the victim. This establishes mechanisms within our community that foster and support violence against women when the whole community should be focused on calling out and addressing this very issue.

Schools are soundly and publicly criticised for using the powers of the Education (General Provisions) Act to discipline students that exhibit violent behaviour towards other students or to adults in the school community. The community, supported by the Legislature, expects that appropriate standards of behaviour are maintained in schools by all who learn, teach or visit there.

Actions to enforce standards, correct poor choices of behaviour and protect all who learn and work in schools must be visible to the whole community.

Addressing workplace violence in cyberspace

The impact of online violence across the whole community has achieved national and international attention in recent years.

The 2018 Queensland Anti-Cyberbullying Taskforce was established by the Premier in response to high-profile episodes of suicide by young people where online behaviour was implicated. The Terms of Reference of the Taskforce although initially broad, were narrowed to only focus on student safety and wellbeing. The Queensland Teachers' Union, as a member of the Taskforce, steadfastly asserted that the safety and wellbeing of teachers, principals and school support staff was also being impacted by inappropriate behaviour online and called for future action to define the issue for workers in schools and act to provide real protections through legislative change.

A link to the final report of the Premier's Anti-Cyberbullying Taskforce *Adjust our settings: a community approach to address cyberbullying among children and young people in Queensland* is provided as Annexure [QTU5](#).

The Queensland Teachers' Union Submission to the Premier's Anti-Cyberbullying Taskforce is attached as Annexure [QTU6](#).

The Queensland Teachers' Union fields calls on an almost daily basis from distressed members who have experienced vicious cyberbullying from parents, students or community members.

Many parents post aggressive comments on community groups when they are unhappy with an issue at the school. These comments are frequently personal, unfounded and shared widely within the community, damaging the reputation of the teacher or school concerned.

The Queensland Department of Education established a Cybersafety and Reputation team within the department to assist schools through direct liaison with social media companies and internet service providers, however we believe more can be done to support educators and protect them from cyberbullying.

The evidence in domestic and family violence research also points to the connection between online behaviour and perpetration of actual physical violence, lending weight to the need to act to provide greater protections.

Conclusion

Addressing the workplace violence is essential but not sufficient; preventing violence must be the goal. The Queensland Teachers' Union looks forward to further considering the work of the Queensland Sentencing Advisory Council on this important issue for workers in schools and to providing further submissions as appropriate.

Annexures

- QTU1 Queensland Parliament – Question on Notice No. 1013 asked on 13 June 2019
<https://www.parliament.qld.gov.au/documents/tableOffice/questionsAnswers/2019/1013-2019.pdf>
- QTU2 Principal Health and Wellbeing Survey 2018 Final Report – 27 February 2019
https://www.healthandwellbeing.org/assets/reports/AU/2018_AU_Final_Report.pdf
- QTU3 International Labour Organisation Convention 190 – Convention concerning the elimination of violence and harassment in the world of work – 21 June 2019
https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_711570.pdf
- QTU4 Queensland Schools Alliance Against Violence – Working Together: understanding student violence in schools – November 2010
<http://behaviour.education.qld.gov.au/SiteCollectionDocuments/preventing-bullying-violence/understanding-violence.pdf>
- QTU5 Adjust our settings: A community approach to address cyberbullying among children and young people in Queensland – final report September 2018
<https://campaigns.premiers.qld.gov.au/antibullying/taskforce/assets/anti-cyberbullying-taskforce-final-report.pdf>
- QTU6 Queensland Teachers' Union of Employees – Submission to the Queensland Anti-Cyberbullying Taskforce – June 2018
http://stacks.qtu.asn.au/files//2815/2826/6717/Submission_to_Qld_anti-cyber_bullying_taskforce.pdf

Useful references

Australian Capital Territory Legislative Assembly Standing Committee on Education Employment and Youth Affairs – Report 6: Management and minimisation of bullying and violence in schools: September 2019

Accessed on 18 December 2019 from:

https://www.parliament.act.gov.au/_data/assets/pdf_file/0019/1416340/9th-EEYA-06-Management-and-Minimisation-of-Bullying-and-Violence-in-ACT-Schools.pdf

Department of Education Occupational violence prevention procedure – 2018

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/hr/workplace/Procedure%20Attachments/Occupational%20violence%20prevention/Occupational%20violence%20prevention.pdf>

Department of Education policy – Hostile people on school premises, wilful disturbance and trespass – version 3

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/governance/Pages/Hostile-People-on-School-Premises%2c-Wilful-Disturbance-and-Trespass.aspx>

Office of Industrial Relations: Workplace Health and Safety Queensland – Preventing and responding to workplace violence July 2014

Accessed on 18 December 2019 from:

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/82648/preventing-respond-work-violence.pdf

Department of Education Chief Executive Officers Guideline: No. 01/2012 – Removal of Trespassers and Disorderly Persons from State Instructional Institution Premises

Accessed on 18 December 2019 from:

<http://ppr.det.qld.gov.au/corp/governance/Procedure%20Attachments/Hostile%20People%20on%20School%20Premises.%20Wilful%20Disturbance%20and%20Trespass/guideline.PDF>

Joint International Labour Organisations/United Nations Educational, Scientific and Cultural Organisation – Violence and insecurity in schools for teaching personnel: Geneva 2012

Accessed on 18 December 2019 from:

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_214122.pdf

United Nations Educational, Scientific and Cultural Organization (UNESCO) – Stopping Violence in schools: A guide for teachers 2009

Accessed on 18 December 2019 from:

<https://unesdoc.unesco.org/ark:/48223/pf0000184162>