

ACT PUBLIC SERVICE



Open Door Protocol Guidelines

Overview

The ACT Public Service (ACTPS) values open and honest communication. If, as a worker, you have a respect, equity or diversity issue that concerns you, your matter will receive fair and objective consideration. This is the right of every worker and the Open Door Protocol has been established to support the implementation of the Respect, Equity and Diversity Framework and the Respect at Work Policy across the ACTPS.

The Open Door Protocol

The ACTPS Open Door Protocol is a work practice in which a supervisor, manager, executive or chief executive leaves their door "open" (figuratively speaking) in order to encourage productive communication among workers of the department, agency and at times between agencies.

Purpose

The purpose of the Open Door Protocol across the ACTPS is to ensure that every individual has a genuine impartial avenue to bring forward informal reports or formal complaints in relation to respect, equity and diversity issues by being able to approach a supervisor, manager, executive or chief executive to discuss the issue and how to resolve it.

Background

The Open Door Protocol has been established as part of, and should be read in conjunction with, the Respect, Equity and Diversity Framework, the Respect at Work Policy and supporting Preventing Work Bullying Guidelines found at www.cmd.act.gov.au/governance/public/RED.

Reasons to implement an Open Door Protocol

The ACTPS has introduced the open door protocol for several reasons.

- An 'open door' is designed to encourage concerns to be raised sooner rather than waiting until an issue becomes more difficult to resolve.
- If a supervisor or manager is perceived to be intimidating, bullying, or otherwise unapproachable, the open door protocol gives workers an alternative avenue to seek advice and support to resolve a situation. Left unresolved, these issues often become much more serious.
- To provide an avenue for an impartial person to consider or provide advice in relation to an informal report or formal complaint of inappropriate behaviour.

How the Open Door Protocol works

- Under the Respect at Work Policy, workers who are of the opinion that they have been affected by inappropriate work behaviour are encouraged, where appropriate¹, to talk directly to the person engaging in the inappropriate work behaviour, to try to resolve the issue informally in the first instance and within the local work group.
- At anytime a worker may seek advice from their Agency's RED contact officer. The role of the RED contact officer does not include resolving issues.
- If the direct approach outlined above has not resolved the issue, workers are able to approach their immediate supervisor or manager in the first instance with any informal report or formal complaint that they may have. Many issues can be resolved at this point if dealt with promptly.
- If the matter cannot be resolved with the immediate supervisor, the worker may approach, their department/agency executive sponsor or their internal human resources area or any other supervisor, manager or executive for advice or to make an informal report or formal complaint.
- If :
 - it is inappropriate² for the worker to raise the matter with their immediate supervisor or internal support people in place in the agency; or
 - the worker has attempted to utilise the internal options outlined above but the matter is still unresolved.

then the worker may need to approach an executive sponsor from another department/agency for assistance in addressing the matter.

The executive sponsors will most likely contact the Chief Executive of the worker's agency and in some instances the Commissioner for Public Administration as it is important that the worker's agency has an opportunity to respond to the issue.

¹It may be appropriate to talk directly to the person if: it is a non-serious single incident; the inappropriate behaviour appears unintentional; or it appears that the situation can be resolved within the work area.

² It may be inappropriate to raise the issue with an immediate supervisor or others within the agency if: the supervisor is involved in the incident or those resolving the issue are perceived to be biased.

At anytime a worker may seek advice from their agency's RED contact officer.

Talk directly to the person engaging in inappropriate work behaviour, to try to resolve the issue informally within the work group.

If talking directly to the person does not resolve the matter workers should approach their immediate supervisor. Many issues can be resolved at this point if dealt with promptly.

If the matter cannot be resolved with the immediate supervisor workers should approach their agency HR area, executive sponsor or any other manager or executive in their organisation.

If internal options are inappropriate workers can approach an executive sponsor from another ACTPS agency.

This process may not be sequential. While in some cases this may be desirable, it will not always be possible or appropriate, for a range of reasons including the seriousness of the situation.

Issues to consider

- All workers, supervisors, managers, executives and chief executives must work together with other ACTPS agencies in good faith to apply this protocol.
- Under the Open Door Protocol, workers are encouraged to try to resolve the matter with their immediate supervisor before discussing with someone senior to their supervisor or external to their agency.
- Workers should not raise matters that are already under formal investigation or where a process is being undertaken, with executive officers or RED contact officers.
- All ACTPS workers must uphold the values and code of conduct of the ACTPS and treat all staff with respect.
- Workers must not raise complaints that are frivolous or malicious.
- Every individual has the right to bring informal reports or formal complaints to a manager or executive.
- RED contact officers and executive sponsors should receive training to undertake their role.
- All workers must participate in the complaint resolution process in good faith and with confidentiality.
- All informal reports and formal complaints will be treated seriously.
- Once an agency becomes aware of the issue there is a duty of care under the *Work Safety Act 2008* to take all reasonably practicable steps to manage the risk to work safety arising from the alleged inappropriate behaviour. This is the case even if the worker does not wish to proceed with a formal complaint.
- Supervisors, managers, executives and chief executives must follow the principles of a “Good Process” outlined in Section 7 of the Preventing Work Bullying Guidelines. This requires the principles of natural justice, procedural fairness, and confidentiality and privacy to be applied and the keeping of records.
- The requirement of keeping accurate records.
- In recognising natural justice and privacy principles, workers must be advised and be involved in the process if a complaint needs to be taken further or in such instances where their own agency needs to be informed to resolve the matter.

Legislative References

Legislative References include:

- *Fair Work Act 2009*;
- *Fair Work Regulations 2009*;
- Agency Collective or Enterprise Agreements;
- *The ACT Public Sector Management Act 1994*;
- *Human Rights Act 2004*;
- *ACT Disability Discrimination Act 1991*;
- *Discrimination Act 1991*;
- *Privacy Act 1988 (Commonwealth)*;
- *ACT Public Sector Management Standards (subordinate Law)*; and
- *Territory Records Act 2002*.

Related Policy

Related policy includes:

- the whole of government Respect at Work Policy;
- the whole of government Preventing Work Bullying Guidelines which provides a details on work bullying, prevention strategies and how to respond to a complaint;
- relevant agency Bullying and Harassment, Guidelines, Procedures and Fact Sheets;
- ACTPS Respect Equity and Diversity Framework; and
- ACTPS Ethics in the ACT Public Service Framework.

Guidelines Owner

Senior Manager
Public Sector Management, Strategic Human Resources
Public Sector Management Group Chief Minister's Department

Review Date

The Open Door Protocol is due for review in December 2012.