

**Senate Standing Committee on Economics**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Innovation, Industry, Science and Research Portfolio  
Additional Estimates Hearing 2010-11  
23 February 2011

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**AGENCY/DEPARTMENT:** AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION

**TOPIC:** Behavioural suspension

**REFERENCE:** Question on Notice (Hansard, 23 February 2011, E23)

**QUESTION No.:** AI-10

**Senator CAMERON**—I will put this question on notice. Can you tell me the genesis of behavioural suspension? When did ANSTO start using behavioural suspensions? What is the definition of behavioural suspension? Is it part of your agreement with the trade unions on the job or is it a managerial prerogative issue? What lessons have you learned from the application of behavioural suspensions?

**Dr Paterson**—We will take that on notice.

**ANSWER**

The term “behavioural suspension” referred to by ANSTO Chief Executive Officer, Dr Paterson (Additional Estimates Hansard, E 19) relates to circumstances where an employee has been suspended from the workplace, with pay or without pay, while investigations are being conducted into allegations of serious misconduct, which may include actions of employees that, directly or indirectly, constitute a risk to other employees. Behaviour that is “a threat to the health, safety and welfare of other employees in ANSTO” must include a risk assessment of the likelihood of the behaviour continuing and the resultant harm that could eventuate in making a decision to suspend an employee in order to conduct an investigation.

Provisions permitting the suspension of an employee while an investigation into allegations of “serious misconduct” is being conducted are found in the *ANSTO Enterprise Agreement 2009-11* (EA). Similar provisions have been included in ANSTO Enterprise Agreements since 1995.

The EA is an agreement with the four unions represented at the site. All ANSTO employees are given the opportunity to participate in the EA negotiating process and to vote on its implementation.

ANSTO will only suspend an employee from the workplace should the circumstances require such a decision. ANSTO has a duty of care to provide a safe working environment for all employees, including any employee who raises allegations of threatening or unsafe behaviour by a co-worker. The suspension of an employee under investigation in such circumstances may be necessary, while an investigation is conducted, in order to remove a potential “threat to the health, safety and welfare of other employees in ANSTO”. It is not, nor intended to be, by its provision in the EA or by its practical application at ANSTO, a form of discipline or punishment.

The lessons learned by ANSTO in respect of behavioural suspensions are:

- 1) It is essential to act with an appropriate sense of urgency to ensure the safety of the workplace when threatening or unsafe behaviour is identified (for example, physical harm, bullying, threats, verbal abuse, intimidation and sexual harassment).
- 2) It is also important to make decisions in an effective and timely manner, which enables thorough investigations to be undertaken and also ensures that ANSTO discharges its duty of care to provide a safe working environment for all employees.