

# ISR SERVICES PTY LTD

## INDEPENDENT SAFETY & RISK SERVICES

▼ WORK HEALTH AND SAFETY

▼ RISK MANAGEMENT

▼ INSURANCE SURVEYING AND REPORTING

## TECHNICAL NEWSLETTER

### Workplace Bullying



**On 1<sup>st</sup> January 2014, new workplace bullying laws will form part of the Fair Work Act 2009.**

The General Manager of the Fair Work Commission has predicted that there will be up to 3,500 applications per year to the Fair Work Commission under these provisions.

Workers bullied at work will cover workers as defined in the Work Health and Safety Act 2011, including: contractors, sub-contractors, outworkers, apprentices, trainees, students gaining work experience and volunteers.

Applications made for bullying under the provisions of the **Fair Work Amendment Act 2013** can work alongside the **Work Health and Safety Act 2011**.

Every workplace should have a No Bullying Policy.

THE NO BULLYING POLICY SHOULD OUTLINE:

- Bullying definition
- Bullying grievance procedures
- Handling of the complaint according to the guidelines
- Provision of appropriate documentation
- Handling of bullying behavior by the business or organisation.

It is estimated that workplace bullying costs the Australian economy between \$6bn and \$36bn every year, and that a workplace bullying case costs the employer on average of \$20,000 per claim. The maximum penalty that may be imposed on a business or organisation is \$51,000, and \$10,200 on an individual.

Managers Liability Insurance should cover (i) defending the action (legal costs), (ii) payment of any damages, and (iii) fines and penalties.

#### Risk Management Recommendations

- Ensure the business or organisation has updated its OHS Programme (OHS Act 2000) to a Work Health and Safety Programme (WHS Act 2011).
- Ensure there is an appropriate No Bullying Policy.
- Implement the No Bullying Policy and Procedures through the HR department and the Health and Safety Committee (HSC) or Health and Safety Representative (HSR).