



## MEDIA RELEASE

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# New workplace laws highlight the importance of anti-bullying risk management

With the national anti-bullying jurisdiction now in effect, it is more important than ever that businesses make strong efforts to tackle workplace bullying, according to GIO Workers Compensation.

Under the amendments to the *Fair Work Act 2009* (Cth), which came into effect on 1 January this year, workers of constitutionally covered businesses who reasonably believe they are being bullied at work can apply to the Fair Work Commission for an order to stop the bullying.

The penalties for failing to act on an order are significant; the maximum penalty for an individual is \$10,200, while corporations face up to \$51,000.

These fines would be in addition to the range of costs that businesses already face in relation to bullying.

“Because victims of bullying may also make a claim for a psychological injury under workers compensation laws, these fines could come on top of increased insurances costs,” said Mr Jason Allison, Workers Compensation Chief, Suncorp Commercial Insurance.

“A history of psychological injury claims as a result of bullying could lead to higher premiums and the loss of any applicable discounts if the situation is not addressed.

“The workers compensation implications are not the only ones that must be considered. Businesses can also face prosecution under work health and safety laws and could also lose a significant amount of productivity if the bullied employee is off work and you have to discipline the perpetrators.”

To avoid these costs, it is important that businesses put measures in place to prevent and identify bullying.

“Business must also foster and promote a culture of zero-tolerance towards workplace bullying, because workplace culture is one of the biggest drivers of change,” said Mr Allison.

“Furthermore, businesses with a positive, inclusive culture tend to be more productive.

“If you promote a positive culture where employees treat bullying as completely unacceptable behaviour, it is more likely that it will not occur in the first place and, if it does, any instances will be quickly dealt with.”

In order to best help their customers, brokers can partner with workers compensation insurers to help them implement thorough risk management procedures to prevent and identify bullying.

“The legislation defines bullying as instances of an individual or a group repeatedly behaving in an ‘unreasonable’ manner towards a worker or a group of workers of which the worker is a member, to the extent that it creates a risk to health and safety – including mental health,” said Mr Allison.

“Unreasonable behaviour can include aggressive or intimidating conduct, belittling or humiliating comments, spreading malicious rumours, and practical jokes.

“Workers compensation professionals can assist in implementing systems to identify these behaviours – since they are effectively health and safety risks – before they become a problem.

“It is also extremely beneficial to choose a workers compensation insurer that has an excellent record for prompt return-to-work times, because the longer an injured worker is off work, the less likely it is that they will fully recover.”

Under the amendments, the Fair Work Commission can make any order it considers appropriate to prevent further bullying, such as developing an anti-bullying policy or disciplining the perpetrators.

The legislation states that normal management actions, such as disciplining or counselling a worker, for example, are not bullying, so long as they are acts performed in a reasonable manner.

Having a robust process that demonstrates any bullying is being addressed could help a business avoid a Fair Work order.

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