

# New bullying jurisdiction from 1 January 2014

## Impact on Employers

From 1 January 2014 workers alleging bullying will be able to make an application to the Fair Work Commission (FWC) seeking orders to stop the bullying.

Employers may need to update their workplace behaviour policies and training prior to 1 January 2014.

## How are bullying complaints handled?

- A worker who reasonably believes that he or she has been bullied at work may apply to the Commission for an order to stop the bullying;
- The meaning of “worker” is broadly defined and includes contractors and volunteers;
- A worker is bullied at work if:
  - an individual or a group of individuals repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; and
  - that behaviour creates a risk to health and safety;
- A single incident will not be considered as bullying;
  - The FWC is required to start dealing with a bullying application within 14 days and it has powers to start to conduct a conference, hold a hearing, or dismiss the application.
  - The FWC can make orders to prevent the worker from being bullied at work, aside from a pecuniary penalty.
  - Examples of such orders may include:
    - Regular monitoring of behaviours by an employer;

- Review or compliance of an employer’s workplace bullying policy; and
- The provision of information and additionally support and training to workers.

## What does this mean for my business?

- Employers will now be exposed to a new jurisdiction in which bullying complaints are dealt with.
- Employers can ensure that they are prepared by having adequate workplace behaviour policies and undertaking adequate employee training prior to 1 January 2014.

**Chris Molnar**  
Partner

## Expert advice. Practical solutions. Personal service.

Level 11, 575 Bourke Street, Melbourne Vic 3000 Australia | GPO Box 38, Melbourne 3001 | DX 400

T 03 8621 2888 F 03 9614 0880 | [www.mckeanpark.com.au](http://www.mckeanpark.com.au)