

Media Release

Workplace Conflict Expert Warns Business Managers to Study New Anti-Bullying Measure Guidelines

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Employers and managers of staff need to become familiar with the new Anti-Bullying measures or possibly face time consuming and expensive defense actions when the measures come into force Australia-wide on January 1 2014. Managing Director of Workplace Conflict Resolution, Catherine Gillespie, welcomed new guidelines issued by the Fair Work Commission last week but said the impact of the measures on business are still unknown and companies that are proactive will be in the best position to prevent or defend any claims arising under the new laws.

Ms Gillespie said the legislation is well-intentioned but, with much of the language open to interpretation, the way in which workers make use of new complaint channels will leave many businesses exposed. “The Commission has included extensive reference to past case law in the guidelines but even the definitions of ‘bullying’ or ‘reasonable management actions’ are still vague and open to new precedents being set.”

Fair Work Commission President, Justice Iain Ross, said in a media release last week, “The new anti-bullying jurisdiction is not an avenue to provide compensation to those who have been subjected to bullying; and nor is it about penalizing employers. It is directed at preventing workers from being bullied at work.”

Ms Gillespie said employers and managers will find some reassurance from these comments but this did not limit their risk. “The Commission has asked for feedback on the guidelines which suggest that even they see some grey areas,” she said. “A stop bullying application lodged by a worker with the Fair Work Commission may still be costly to defend, both in terms of time and money. An aggrieved worker may also take civil or state-based action so essentially, the measures have added another layer of compliance for employers that they need to understand in detail.”

“At the end of the day, the measures are designed to prevent bullying in the workplace,” Ms Gillespie said. “This is a great objective but the best measures any business can take should be in-house and include inspired leadership, training at all levels of the business and a workplace culture that leaves no room for bullying or behavior that might be interpreted as bullying to arise in the first place.”

Contact Information:

Catherine Gillespie, Managing Director
Workplace Conflict Resolution
Phone 1300 227 901
PO Box 7323, Geelong
www.workplaceconflictresolution.com.au