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Committee Secretary

House of Representatives Standing Committee on Education and Employment

PO Box 6021

Parliament House

CANBERRA ACT 2600

Submitted via email: workplacebullying.reps@aph.gov.au

To Committee Secretary,

*RE: Inquiry into Workplace Bullying*

As the State's peak business organisation, the Chamber of Commerce and Industry Queensland (CCIQ) is supportive of strategies and initiatives encouraging the prevention of workplace bullying. Representing the interests of 25,000 businesses across all regions and industries in Queensland, CCIQ recognises that workplace bullying is an important social issue that can have lasting impacts on the Australian community.

While CCIQ is supportive of the Inquiry and the identification of strategies to enhance awareness, we do not believe that the incidence of workplace bullying within Queensland workplaces warrants the implementation of further legislation in this area. Subsequently, CCIQ is strongly opposed to the introduction of additional regulation, or increasing the compliance activities of associated existing legislative frameworks. Currently, the cost and burden of regulatory compliance is one of the most important ongoing issues facing the Queensland business community, therefore if anything, actions are required to reduce the current burdens in this area.

### **Current Legislative Frameworks**

Through CCIQ's recent participation in the Queensland Workplace Bullying Reference Group, it is abundantly clear that there is already sufficient existing legislation through which workplace bullying can be addressed. These avenues include:

- Criminal law;
- Anti-discrimination (including the Queensland *Anti-Discrimination Act 1991* and Federal instruments including the *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975*, and the *Sex Discrimination Act 1984*);
- Unfair dismissal / General Protection claims under the *Fair Work Act 2009*;
- Breach of contract actions against employers (for example, under modern awards or enterprise bargaining agreements);
- Breach of statutory duty actions under workplace health and safety legislation (the *Work Health and Safety Act 2011* requires employers to use a formal issue resolution process in consultation with their workers, to resolve health and safety issues, including workplace bullying);
- Workers' compensation.

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Furthermore the Queensland *Prevention of Workplace Harassment* code of practice has been developed with the additional implementation of Safe Work Australia's National Code of Practice *Preventing and Responding to Workplace Bullying* anticipated. This will allow for a national definition of workplace bullying to emerge, as well as outline duties in relation to workplace bullying and prevention measures.

### **Queensland Criminal Code**

As it stands, a number of provisions in the Queensland Criminal Code, including stalking, assault and grievous bodily harm, would address severe workplace bullying cases that constitute a criminal offence. When comparing the stalking provisions in the Queensland Criminal Code to the 'Brodie's Law' provisions implemented in Victoria (s21A *Victorian Crimes Act 1958*), CCIQ believes Queensland's provisions are equally as wide reaching in addressing severe cases of workplace bullying. Subsequently, CCIQ believes that the Queensland Criminal Code provides adequate protection for workplace bullying cases, with no amendments to the current provisions warranted.

### **Prevention of Workplace Bullying**

CCIQ strongly believes that individual workplaces need to take responsibility and undertake proactive initiatives to reduce the potential for workplace bullying issues within their business, with a particular focus on early prevention and intervention. Employers should be encouraged to focus on maintaining a workplace culture that embraces an atmosphere of trust and respect in which bullying is not tolerated and where disputes are resolved early. However, it must also be recognised that many incidents can originate from social issues outside the workplace and therefore outside of the control of the employer.

CCIQ is strongly supportive of increasing the awareness and accessibility of current government and industry initiatives that aim to prevent workplace bullying. For example, increased promotion is required of the People@Work research project undertaken by Workplace Health and Safety Queensland in collaboration with University of Queensland and Australian National University. This project uses extensive data collection and analysis to develop a range of tools for employers to assist in preventing workplace bullying and in managing psychological risks in their workplace.

Work is also required to reduce the high level of confusion that currently exists within the community about which government agencies are responsible for dealing with workplace bullying. There is a need for better coordination between agencies to reduce the risk of complaints being cross-referred and to provide better services and support to the public and businesses. A single point of entry or cross-agency protocols are required to streamline the referral process and allow for the collection and dispersal of accurate and meaningful data in the area of workplace bullying.

### **CCIQ Recommendations**

CCIQ believes that the Inquiry into Workplace Bullying should focus solely on enhancing non-regulatory instruments and initiatives to prevent and address existing issues. Recommendations supported by CCIQ include:

**Recommendation 1:** Reduce current regulatory burdens and compliance measures:

- Undertake substantial evidence based research to determine the prevalence of workplace bullying within Australian workplaces (which must be undertaken rather than the introduction of any additional regulatory requirements on businesses at this point in time). This action must be undertaken in order to accurately determine the extent of any benefit of proposed reform in a rigorous cost benefit exercise;
- Streamline existing state and commonwealth regulation to reduce duplication and red tape where possible;
- Introduce only non-regulatory instruments and initiatives to address and prevent workplace bullying issues.

**Recommendation 2:** Enhance focus on early intervention and preventative measures:

- Enhance existing educational and support services, and subsequently increase businesses' and the community's awareness and access to these services. This should include undertaking community forums which have a far greater impact in facilitating necessary change than the introduction of restrictive regulation;
- Hold public information sessions on the content of the National Code of Practice, promoting the benefits of creating sound workplace cultures;
- Regular training/information sessions to be offered to stakeholder groups (i.e. unions, employer groups, professional associations and government agencies) to improve the capacity of these groups to support early intervention and respond to complaints;
- Enhance the awareness and accessibility of both public and private sector initiatives such as the 'People@Work' project.

**Recommendation 3:** Improve coordination between agencies and stakeholders:

- Develop a single point of entry or cross-agency protocols to streamline the referral process and allow for the collection and dispersal of accurate and meaningful data in the area of workplace bullying. This would enhance effectiveness and ensure the best use of existing resources.

CCIQ would welcome the opportunity to discuss preventive workplace bullying strategies that impact on the business community with the Standing Committee. If you would like to discuss any aspect of this correspondence, please do not hesitate to contact me on .

Yours sincerely,

Nick Behrens  
**General Manager - Advocacy**  
**Chamber of Commerce and Industry Queensland**