

SA Unions Submission

To the House Standing Committee on Education & Employment, Inquiry into Workplace Bullying



SA Unions

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Introduction

SA Unions is the peak trade union council for South Australia. In SA there are approximately 180,000 union members in all industries and sectors.

OHS is a major area of work for the union movement along with Industrial relations and workers compensation. We have a comprehensive understanding of each of these areas and the way they play out in workplaces as well as an understanding of how they interact.

Workplace bullying is a major issue for workers in all industries and sectors in South Australia and there is an urgent need to address it more adequately.

Support for the ACTU submission

SA Unions supports the ACTU submission as it accurately reflects our experience of dealing with workplace bullying and our views of how it could be better addressed nationally.

Although we support the proposal of the ACTU that the OHS framework is the most appropriate one in dealing with workplace bullying, we would not encourage the Committee to look to SA as an example of good practice.

The South Australian Experience

South Australia is the only jurisdiction where the area of workplace bullying is subject to a specific clause under the Occupational Health, Safety and Welfare Act 1986 (the “SA OHSW Act”). Section 55A of the SA OHSW Act defines workplace bullying and outlines a

process of resolving workplace bullying issues at the workplace and through the *Industrial Relations Commission of South Australia*.

Even though there is a possibility of prosecution in relation to workplace bullying under the SA OHSW Act, there has never been a prosecution and unions report that they find the clause is ineffective and sometimes counterproductive.

The main use of the clause has been as a deterrent and mechanism to persuade an employer to deal with a bullying matter rather than it being an effective prevention or enforcement strategy.

One of the major problems with workplace bullying being effectively dealt with through the legislation and the regulator is the inadequacy of skills of the inspectorate in dealing with psychosocial hazards and injuries. These injuries are often the result of complex hazards such as workplace culture, inappropriate management styles and poor management.

There is a need for clear codes, better training and a whole of organisation approach when dealing with workplace bullying. Section 55A of the SA OHSW Act has at times been detrimental to this approach and has sometimes made matters worse for the victim of bullying.

Further Submissions

We are keen to meet with the Committee when it is in Adelaide on August 8th to give further evidence.

This submission was prepared by Janet Giles, Secretary SA Unions.

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