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Victorian Trades Hall Council

Submission to the House Standing Committee on Employment and Education

Inquiry into Workplace Bullying
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1. INTRODUCTION

The Victorian Trades Hall Council (VTHC) is an umbrella organisation – the peak union council in Victoria, and represents over 50 affiliated union organisations (including some divisions of unions which have maintained separate affiliation), representing approximately 400,000 Victorian union members. The VTHC is also affiliated to the Australian Council of Trade Unions (ACTU)

Occupational Health and Safety (OHS) and the protection of workers rights is a core function of unions. The benefit of the efforts of unions is not limited to those who are members of unions but has led to improvements in the work environment which are enjoyed by all workers. The VTHC and affiliates have significant knowledge and experience in assessing the effectiveness of the operation of both Victorian and Australian OHS and other legislation and in the improvements which need to be made to provide workers with the highest standards of OHS rights and protections.

The VTHC welcomes this House of Representatives Inquiry an opportunity to consider bullying in a broader context than work health and safety laws. The VTHC strongly supports the adoption of a nationally consistent definition of bullying and the finalisation of the Draft Model Code of Practice developed through SafeWork Australia

Victoria has had a guidance note on the prevention of bullying in one form or another since 2002 and stakeholders have had continuing engagement and dialogue with our regulator, WorkSafe Victoria, with a view to improving materials, guidance and how the regulator responds to the issue of bullying in the workplace.

2. SUMMARY OF ISSUES

From available statistics, it is clear that bullying in the workplace, and its effects, are increasing. Our current legislative system is failing to adequately address and prevent bullying, and further we are not protecting the health of those who experience or witness such behaviours. There are multiple causes of bullying and differ between individual circumstances, however the evidence and research points to a number of key risk factors which increase the likelihood of bullying behaviours.

Apart from failings in the prevention of bullying, our current system also fails in responding appropriately to the victims of bullying and too often do not preserve a person's mental health. In particular:

- The response of the work health and safety regulator is too often inadequate due to a number of factors including: procedures which discourage reporting, such as Advisory Line 'triage' procedures; difficulty in establishing presence of bullying behaviours; inability/unwillingness of inspectors/investigators to take action to prevent/stop the bullying; lengthy internal processes following investigations; and more. Even when it has been established that bullying has occurred/is occurring, the regulator tends to focus on employer policies and procedures, failing to focus on 'systemic' or 'up-stream' risk factors for bullying behaviours.

- The alleged victim(s) is confronted by inadequate/untimely action which often only results in the situation deteriorating further, resulting in further negative impacts on their health and sometimes irreparable damage to the workplace relationships.

Industrial instruments are only useful if the bullying situation can be moulded to fit the definitions of adverse action under the FWA e.g. when the individual faces dismissal and bullying is a component of that behaviour. Additionally when mediation and conciliation fails,

applicants have few options. Nevertheless, some of our affiliates now seek to have bullying issues addressed through these industrial instruments, wherever possible.

Discrimination laws can only be useful if the bullying behaviour is aimed at a particular characteristic of the person which is outlawed under the legislation, for example: sex, sexuality, race

Workers compensation laws can only be used when the person has suffered an injury and requires medical treatment. The present construct of workers compensation laws deters workers from making successful claims and the processes associated with disputed claims (psychological injuries are regularly disputed) often add 'insult to injury'. It has been our experience that where the effect on victims has been severe, they are either successful in gaining compensation or take the option of leaving the workplace. However, even in the former situation, the bullying behaviours which caused the injury are rarely addressed and prevented from occurring.

Many workplaces, may appear to have excellent HR policies but often they do little to address workplaces culture or to improve compliance. The lack of willingness to do this is illustrated by the failure of a WorkSafe Victoria funded *'Top Down Bottom Up'* Bullying Prevention Project due to a lack of interested companies to participate.

Victoria has been the state to introduce "Brodies Law" following the tragic suicide of Brodie Panlock. However, the law, which has so far not been utilised in this state, does not and cannot address the majority of bullying behaviours, nor the workplace risk factors which can lead to such behaviours. While the campaign and the law has highlighted the problem of workplace bullying, the focus of the law is on the individual and is linked to stalking which rightly should be addressed through the criminal justice system. These reservations are better explained by Kelly[1]and Bornstein. [2]

Whilst this criminal legal reform represents a positive development in the sense that it ensures the punishment of serious offenders, this paper argues that a punitive, legalistic approach such as this to the issue of workplace bullying, whilst providing some benefits, is inadequate for three main reasons. First, such an approach would be directed to the punishment of serious offenders. Only the most severe cases of workplace bullying, therefore, would fall under the new provisions and those cases perceived as less serious may go unaddressed. This is compounded by the onerous criminal standard of proof of 'beyond reasonable doubt'. Second, the prospect of criminal proceedings, which can be traumatic and lengthy, may act as a deterrent for victims to take action. Third, the criminalisation of workplace bullying from the outset does not cater to that part of the issue which is organisationally, as opposed to individually, driven. (Kelly page 25)

3. BULLYING PREVALENCE

Workplace bullying is recognised worldwide by governments and international agencies. A large volume of academic literature exists.

The prevalence of bullying in Australian workplace has been estimated using a number of methods:

- Based on international studies: a conservative rate of 3.5 per cent = estimate of 350,000 persons bullied in Australia in 2000 and cost businesses somewhere between $6 billion and $13 billion.

[1] C Kelly "The problem of workplace bullying and the difficulties of legal redress: an Australian perspective" Centre for Employment and Labour Relations Law , University of Melbourne, Student Working Paper No 7 May 2011

[2] J Bornstein "Bullies in Business" Law Institute Journal June 2011, pp 34-38

- Based on a higher prevalence rate of 15 per cent (which is actually based on mid point of two international estimates: a UK survey finding a 10.5 per cent and a US survey finding 21.5 per cent) = One and half million workers bullied in Australia in 2000 with estimated costs to businesses of between $17 and $36 billion.
- Based on the results of international research, the *Beyond Bullying Association* in Australia has estimated that somewhere between 2.5 million and 5 million Australians experience some aspect of bullying over the course of their working lives (AHRC 2010)
- The Productivity Commission report on psychosocial hazards estimated the costs of workplace bullying alone range between $6 billion and $36 billion per year. However, these costs fail to account of the human costs of workplace bullying such as reduced quality of life for victims, colleagues, children, spouses and other family members and costs to the community.

There is an increased community awareness of bullying type behaviours, not only due to high profile cases, but also the activities of the ACTU, which ran a campaign in 2000 the theme of which was "*The workplace is no place for bullying*".

The ACTU submission contains summary information from the anti bullying campaign run by the union movement in 2000.

4. DEFINITION

There is considerable debate about what behaviours actually constitute bullying and how to define these: for example in the Victorian Guide *Preventing and responding to bullying at work:*

Workplace bullying is repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

It then outlines a number of case studies, highlighting the *repeated nature* of the behaviours, and the *risk to health and safety* the behaviours pose.

In the view of the VTHC, any definition of bullying must include reference to repetition, the nature of the behaviour, and the effect of the behaviour. It must be consistent across laws (eg WHS, FWA, etc), but under the WHS regime, it must be linked to the health and safety risks to the health and safety of workers:

Workplace bullying is the "repeated, unacceptable offensive, intimidating, malicious, insulting or humiliating behaviour, which attempts to undermine an individual or group of employees and which creates a risk to health and safety"

The high-level coverage of the Brodie Panlock case in Victoria led to a sizeable increase in the numbers of calls to WorkSafe with bullying complaints/issues, with the regulator responding that in many of these cases there was a 'misunderstanding' of what constituted bullying, thereby dismissing and underestimating the real extent of the problem. While the VTHC and our affiliates would question the suggestion that a high percentage of complaints did not fit the 'definition', it is crucial that both the community and the regulators have clear *what is* and *what is not* bullying. This would also reduce the current vigorous, and sometimes apparently aggressive interrogation of victims seeking assistance.

5. BULLYING IS A WORKPLACE HAZARD

Just like any other workplace hazard, employers have the duty to identify workplace hazards and implement controls to eliminate or reduce the risks. In the case of bullying, as in the

case of other hazards, causation or risk factors are multifactoral. The role and function of the OHS/WHS authorities is to ensure compliance with the general duties of health and safety law (ie that employers have a duty to provide, so far as reasonably practicable, a work environment free of risks to health and safety); this must include prevention of bullying by the reduction of risk factors which increase the likelihood of bullying.

In addition, OHS law provides processes for representation, consultation and issue resolution on work health and safety. Health and Safety Representatives (HSRs) have rights to represent workers in raising issues, monitoring measures taken by the employer, investigating complaints from co-workers, and inquiring into anything that appears to be a risk to the health or safety of workers. The Model Prevention of Bullying Code must reflect not only the role of worker representatives in raising issues but the rights of workers to representation in dealing with bullying

Risk factors associated with bullying behaviour were well documented most recently in the WorkSafe ACT investigation into compliance by CIT with duties under the *Work Safety Act 2008*.[3]

> *The concerns raised by the staff who participated in the independent consultant's assessment strongly suggested an increased risk that workplace bullying and harassment had occurred, was occurring or could occur. These concerns included:*

- *a lack of transparency in management and decision-making processes affecting staff;*
- *perceptions of poor morale and poor people management practices;*
- *a high proportion of staff on casual or short-term employment arrangements;*
- *a number of staff facing limited or no career paths;*
- *a perceived lack of leadership and strategic direction;*
- *a lack of respect between staff combined with poor team behaviours;*
- *a perception that a culture existed that discouraged the reporting or the making of complaints about workplace bullying and harassment;*
- *inequity in working arrangements, including allegations of nepotism and uneven workloads;*
- *lack of clarity of roles and responsibilities creating friction, mistrust and frustration;*
- *poor communication, including a lack of regular meetings or the provision of timely information.*

This list of risk factors also highlights the link between structural employment arrangement and the risk of bullying behaviours. In the view of affiliates, the growth of insecure work, especially for the lower paid, is a possible contributing factor in the increase in prevalence of bullying.

6. HEALTH AND SAFETY AUTHORITIES DEALING WITH BULLYING COMPLAINTS

An important issue we wish to flag here is that there are two, related but separate, 'sides' to workplace bullying. These are:

a) the bullying behaviours at the workplace and the contributing risk factors which must be acted upon regardless of whether there are victims; and
b) the effects on the victim/s

[3] WorkSafe ACT, Investigation into Compliance by the Canberra Institute of Technology (CIT) with its Duties under the Work Safety Act 2008 and the Work health and safety Act 2011 in response to allegations of Bullying and Harassment at the CIT. 11 April 2012

The health and safety authorities' responses to both of these issues are inadequate in the sense that too often there are no real improved outcomes.

According to our experience, the first response of the regulator when investigating a bullying complaint is to ascertain whether the employer has a policy and procedure in place. If there is none, then the direction/advice is that of developing one, and providing training. The guidance material is provided to assist.

Where the existing policy is inadequate, the employer is advised to modify it – on one occasion at least, a health and safety representative (HSR) and a number of workers forwarded their employer's re-drafted policy to the VTHC seeking advice. The HSR then provided comments and suggested amendments to the employer, who decided to ignore these. When the HSR appealed to WorkSafe, he was told the employer had the right to develop the policy – even though in the view of both the HSRs and the VTHC the policy was unfair and punitive.

In cases where an alleged victim pursues their complaint with WorkSafe, further action follows – in the above example, the HSR, who had stood up for a DWG member who he had witnessed being abused by the supervisor, was in turn made the victim of the supervisor's unrelenting bullying. He pursued his complaint, and the WorkSafe inspector recommended that an investigation be undertaken.

When the investigation cleared the supervisor, the HSR called in the WorkSafe inspector who ruled the investigation was not thorough and recommended that the employer engage an independent person to investigate. Despite the employer later limiting the scope of the investigation, the final report supported seven of the HSR's nine allegations of bullying – finding it not possible to prove the other two. When the employer refused to supply the HSR with a copy of the report, the HSR took it up with WorkSafe. The regulator told the HSR the report belonged to the employer and they could not force the employer to supply a copy to the HSR – but that it had a copy and it would consider the recommendations.

Without going into lengthy detail, the outcome was that the HSR, who had a claim for workers compensation for work-related stress due to bullying, in the end lost his job, and there were no consequences to the employer despite an independent investigation finding ample evidence of workplace bullying.

The above example raises another issue which the VTHC believes is inadequately responded to by our regulator – that is, the bullying of elected health and safety representatives by employers. In numerous cases, the VTHC has had HSRs report that until the time they were elected, they had no issues with the employer and were not singled out by managers or supervisors, however the behaviours towards them changed markedly once they took on the role of HSR.

These behaviours could sometimes move beyond bullying and become actions against which both HSRs and workers are supposed to be protected under the OHS Act – that is discrimination on the basis of raising and OHS issue or holding the position of HSR. However, these HSRs and the staff at the VTHC found the response of the regulator to be inadequate and the most common outcome, like in 'straight' bullying issues, has been no resolution.

The VTHC could provide numerous other examples of cases where bullying complaints to the regulator did not result in a fair and equitable outcome for the victim. Such responses are of little assistance to workplace parties in terms of either undertaking an assessment of bullying behaviours, assisting with addressing risk factors, or providing assistance to resolve the matters to the satisfaction of the alleged victim. Often the outcome is worse for the

person who initially raised the complaint.

It has been our experience that the regulator has been reluctant to pursue the employer beyond a certain point – hoping that the matter will resolve itself. This may be explained by the difficulty in dealing with what is essentially a breach of the law in a legal manner – by initiating a prosecution that will be difficult to conclude successfully.

This is consistent with the Productivity Commission [4] report:

OHS inspectors generally find psychosocial issues in the workplace harder to address than physical hazards. OHS inspectors responded in a survey that they found it much harder to get employers, particularly small manufacturing firms, to deal with psychosocial factors. They also found cases of bullying to be much more difficult to resolve. Inspectors described bullying cases as being emotive and involving a range of different individual interpretations of the events, making it more difficult to substantiate a claim. As a result of these difficulties, some inspectors reported that they were reluctant to handle psychosocial complaints (Johnstone, Quinlan and McNamara 2008).

The VTHC strongly supports the development of policies and procedures that prevent and address bullying in the workplace. In our view, the current and disproportionate focus on policies and procedures, whilst neglecting workplace culture and effective complaint resolution, has resulted in an increase in bullying as the measures available to resolve complaints do not encourage behaviour change.

Further, a tribunal or other appropriate forum must be established where victims of workplace bullying in any jurisdiction of Australia can seek redress. This issue is separate to that of seeking workers compensation.

7. WORKERS COMPENSATION FOR VICTIMS OF BULLYING WITH PSYCHOLOGICAL INJURY

The workers compensation system in general is another area which is inadequate. Eligibility for work related compensation claims is restricted by the concept of 'reasonable management action', placing a high threshold over which claims must be proven. The loose and badly defined concept of '*reasonable management action'* and its use by insurers and employers is exploited as a mechanism for denial of liability.

The process of lodging a claim, and appealing contested claims, often becomes damaging and traumatic, and aggravates a victim's original injury. For example during the workers compensation claim process supporting statement and witness details are provided to the employer, who may be the perpetrator of the behaviour. The employer then has time, resources etc. to mount a case, to deny liability, even to question witnesses. This does not sit well with the concept of a fair hearing or natural justice.

In some cases those injured make the decision not to pursue procedural fairness e.g. follow through with workers compensation claims or tribunal processes under health and safety laws, because to do so adds to the 'trauma' of the original injury. In the example referred to above in 6.5 – 6.7, the HSR accepted a settlement in order to get back to work – as his employer said he would not even consider addressing the issues in the report until he was back at work. In effect, this meant officially the stress was not work-related, which then eventually enabled the employer to terminate the HSR's employment as he refused to return

to work on the basis determined by the employer. The VTHC is aware of a number of other workers, victims of bullying, who have found it impossible to return to their original workplace.

The VTHC refers the Committee to the ACTU Submission for more detail.

8. FAIR WORK ACT

While it is possible to use the FWA to pursue allegations of bullying, if the issue cannot be related to an adverse action or dealt with at conciliation, then the matter cannot be raised there. As noted earlier, however, some affiliates have found they are able to get better and more direct results using the FWA where possible.

The General Protections provisions of the FW Act prohibit an employer from taking adverse action against an employee in a number of circumstances, some of which may be relevant to bullying and harassment claims. Under s342, an employer takes adverse action against an employee if the employer:

- Dismisses the employee
- Injures the employee in his or her employment
- Alters the position of the employee to the employee's prejudice, or
- Discriminates between the employee and another employee of the employer.

These categories are quite broad and could potentially capture bullying conduct.

The VTHC refers the committee to submissions by unions (in particular the AMWU and the ANF) who have had experience in using the FWA in seeking the address of workplace bullying.

9. DEALING WITH ALLEGATIONS OF BULLYING

<u>At the Workplace</u>

Bullying behaviours or behaviours that have the potential to escalate into bullying should be addressed at the workplace level, using genuinely agreed procedures that have been discussed and developed with the workforce.

Procedures should outline how reports of bullying will be dealt with, and should set out broad principles to ensure the process is objective, fair and transparent.

Procedures should be developed to suit the size and structure of an organisation. Any procedure should ensure confidentiality and fair treatment of all those involved. A reporting procedure can be developed and implemented in a number of ways.

The principles of dealing with bullying <u>incidents must include the principles of natural justice</u>. This is explained in the ACT WorkSafe report on CIT[5]:

> *Specifically, by not examining the claims as thoroughly as their seriousness should warrant, and by not ensuring that the investigations which were conducted had an appropriate level of independence and adhered to principles of natural justice, the CIT cannot be assured that it reached a valid conclusion as to the veracity of the claims or the possible risks to the health and safety of its workers which they may indicate.*

[5] WorkSafe ACT, Investigation into Compliance by the Canberra Institute of Technology (CIT)

Section 4 of the ACT Code of Practice for Preventing and Responding to Bullying at Work in place prior to 1 January 2012 indicates that "where a serious allegation has been made, an investigation should be the first step taken … the principles of natural justice and the principles for addressing bullying should be followed throughout the investigation process".

The code goes on to say that:

"An investigation should be undertaken for: allegations involving senior staff/management; allegations covering a long period of time; allegations involving threats; allegations involving multiple workers; allegations involving vulnerable worker; informal approaches that have failed."

While the Code was not in force at the time of the complaints, the requirement under the Act to take all reasonably practicable steps to manage risks was. The requirements outlined above in the Code are no more than what is expected under good administrative practice. These principles have been used by public sector agencies as the basis for deciding how to deal with complaints for many years.

Workplace procedures cannot totally rely on informal approaches as if these fail, then there is a need to ensure:

a. adequate records
b. workers are not pressured to use the informal approach
c. transparency and an application of the principles of natural justice and
d. employers are not able to avoid their legal obligations, including identification and control of risk factors that affect workers mental health. Employers must use the process of hazard identification, risk assessment and risk control and this cannot occur if the "informal approach" is used.

Any investigation of a complaint must be totally impartial, with the person in charge of the investigation must never be directly involved in the incident(s). Also important in any investigation is confidentiality – but not used as an excuse to not fully investigating the allegation.

The procedure must provide for access to assistance and representation for both alleged perpetrator(s) and victim(s).Workers involved need to be informed of the support and representation available to them under the WHS Act and the FWA.

For example Section 68 WHS Act: "The function of the HSR under section 68 WHS act is to represent, investigate and inquire on matters of health and safety". The Fair Work Act also gives workers representatives' rights in Awards and Enterprise Agreements Section 146 and Schedule 6.1.

10. LEGAL RESOLUTION OF WORKPLACE BULLYING

When the above measures fail or the bullying is of such a nature that such an approach is inappropriate, there must be the ability to deal effectively and quickly to preserve the mental health of the person(s) and to curtail the bullying behaviour.[6]

[6]Bornstein

The current mechanisms provided for in the WHS Acts or the FWA are not effective. It is our view that some level of legal reform is necessary – in particular in providing redress to the victim. As discussed in a paper by Kelly[7]:

> *This paper has explored the question of whether the law presently accommodates and addresses this issue adequately in light of its prevalence and multidimensionality. There are indeed a wide variety avenues of recourse which may be available to those who are harmed by the experience of bullying at work, including those at common law in tort and contract, and in statute under anti-discrimination laws, workers' compensation legislation, occupational health and safety legislation and the Fair Work Act. This paper has argued, however, that upon closer inspection these avenues are in many cases inaccessible or inadequate either by virtue of their cost and indeterminacy or in the sense that they are only available under limited circumstances. Where an individual who has been subjected to bullying in the workplace cannot show discrimination, unfair dismissal, breach of an enterprise agreement or modern award or adverse action, seeking legal redress can prove extremely difficult.*
>
> > *The very nature of workplace bullying, which can be covert and underhanded, can make attempts to recover workers' compensation unsuccessful and the evidencing of common law causes of action impossible. Many targets of workplace bullying, then, may find themselves to be confronted with a legal landscape that is patchy and disjointed, and ultimately providing no legal remedy.*

The VTHC recommends that legal reform is necessary which addresses the difficulties highlighted above. As suggested by Kelly[8]

> ***Thus, new legislation has here been proposed that seeks, through civil means, to proscribe and prevent workplace bullying in specific terms.***
>
> > *…….the proposed legislation would be enacted under the auspices of the Fair Work System and involve two levels of regulation: first, the proscription of workplace bullying at the level of the individual as well as, at an organisational level, the imposition of an obligation on employers to take all reasonable steps to provide a bullying-free workplace.*
> >
> > *Targets of workplace bullying would have access to complaint mechanisms provided by the court system, the Fair Work Ombudsman and Fair Work Australia. The enforcement and compliance mechanisms of the latter two it has been argued, as the regulatory bodies of Australia's national industrial legislation, are particularly useful in the context of workplace bullying. Through the dispute resolution facilities of Fair Work Australia, targets of workplace bullying could find efficient, cheap and accessible avenues of redress, the pursuit of which could be aided by the investigatory and representative powers of the Fair Work Ombudsman. In addition to this, the compliance powers of the Ombudsman could have a fundamental role in the enforcement of organisational-level preventive measures, enabling the law to have a fundamental role in thwarting the cultural normalisation of workplace bullying.*

[7] Kelly, page 30
[8] Kelly, page 30

Complaint Mechanisms

The enactment of the proposed legislation under the auspices of the Fair Work Act enables the provision of three main complaint mechanisms.

First, it is proposed that both the individualised prohibition of workplace bullying, as well as the organisational obligation to provide a bullying-free workplace, as outlined above, be enacted as civil remedy provisions. As such, a target could apply to the courts for orders in relation to a contravention or proposed contravention of these provisions either in isolation from one another or concurrently as the situation requires.

Second, a target could make a workplace complaint to the Fair Work Ombudsman, who would be authorised to investigate and prosecute on behalf of National System Employees in the event of a suspected contravention of the legislation.

Third, should the proposed legislation expressly provide, a person who has been subjected to bullying at work in a way they believe contravenes the new legislation, could apply to have Fair Work Australia deal with the dispute as an alternative to the pursuance of action in court.

11. RECOMMENDATIONS:

Given the prevalence of bullying it is clear there is a lack of compliance with the basic duty of care under WHS legislation: employers and governments need to take action to raise the standards in our workplaces.

The VTHC recommends:

- The adoption of a national definition of bullying that incorporates the concept of repeated nature of the behaviour consistent across laws (eg WHS, FWA, etc), but under the WHS regime, it must be linked to the health and safety risks to the health and safety of workers

- The finalisation of the Draft Model Code of Practice on the Prevention of Bullying under the relevant work health and safety laws developed through SafeWork Australia as an essential addition to Australia's work health and safety regulatory framework to improve the current patchy guidance/codes of practice that are currently in existence.

- The Model Code must recognise that Health and Safety Representatives (HSRs) have rights to represent workers in raising issues, monitoring measures taken by the employer, investigating complaints from co-workers, and inquiring into anything that appears to be a risk to the health or safety of workers. The Model Prevention of Bullying Code must reflect not only the role of worker representatives in raising issues but the rights of workers to representation in dealing with bullying

- The development of regulatory and administrative changes in industrial and discrimination law which would complement a National Code of Practice for the Prevention of Bullying under WHS or OHS laws.

- The general duty provisions of Work Health and Safety law be supplemented by a regulation to address psychosocial risks (advocated in the ACTU Submission)

- Ensure regulators and workplace parties are provided with the guidance and tools to be able to identify risk factors, develop and implement solutions.

- Ensure that WHS/OHS inspectorates encourage and where necessary enforce compliance with WHS/OHS laws, in particular by using all compliance tools at their disposal.

- Provide WHS/OHS inspectors and staff with comprehensive training on bullying including the appropriate investigation of complaints and compliance and enforcement measures to address risk factors.

- Provide for alternative mechanisms for handling of workplace bullying complaints

- The creation of a mechanism that gives an individual the ability to seek a remedy which is fast, efficient, specific under civil law e.g. a stand alone tribunal within FWA or under discrimination law

- The removal of the impediments that limit the access to workers compensation of workers suffering psychological injury, legal and administrative.

- Amend workers compensation legislation by removal of the term “reasonable management decisions”.