



Young Workers Legal Service

**Young Workers Legal Service (YWLS)
Submission
To the House Standing Committee on
Education & Employment,
Inquiry into Workplace Bullying**

9 July 2012

YWLS

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Introduction

The Young Workers Legal Service provides young people with confidential advice about work-related matters. The service is staffed by trained industrial officers and supported by volunteer advisors in their final year studying law.

The YWLS represents workers under the age of 30 with most clients in the 18 to 21 years age group. YWLS provides an advocacy service for its clients, negotiating on their behalf and appearing before a variety of Tribunals.

The YWLS deals with a range of employment law issues, including:

- Bullying and harassment;
- Unfair dismissal;
- Underpayment of wages;
- Equal Opportunity and discrimination;
- Apprenticeships and traineeships
- Workplace dispute resolution
- Sexual harassment

The YWLS also plays an educational role and has collaborated with the *Fair Work Ombudsman* to produce facts sheets on aspects of workplace laws including specific information on bullying and workplace harassment¹.

¹ [Bullying and Harassment at Work - Fact Sheet 2011](#)

Support for the ACTU submission

The Service is regularly exposed to the serious problems posed by workplace bullying and the damage that harassment, occupational violence, fatigue and work overload has on young workers.

We identify with the issues raised by the ACTU in its submission and support its view that in the first instance, workplace bullying is a health and safety issue and “should be dealt with within health and safety laws before considering alternative options.”

Workplace bullying should be dealt with in the same way as any other workplace hazard. This should be done in conjunction with educational campaigns including information sessions and specific ‘how to’ information.

We agree with the ACTU that legislative responses to workplace bullying need to recognise that “bullying occurs not just between individuals but is also directed at certain classes of workers such as women and other vulnerable groups such as insecure workers.” This observation consistent with research we have done into the sexual harassment of young women workers²

We would also add that young workers are particularly susceptible to bullying. They lack workplace experience and tend to work in industries with high levels of casual and insecure employment.

Support for the SA Unions submission

We agree with the submissions made by SA Unions concerning the way bullying is dealt with in South Australia.

South Australia is the only jurisdiction where workplace bullying is subject to specific OHS legislation.

² Experiences of Sexual Harassment amongst Young Women Workers: An Exploration of Power and Opportunity: Anne Purdy and Nadine Levy YWLS - Women and IR Conference, Darwin August 2010.

Section 55A S of the Occupational Health, Safety and Welfare Act 1986 defines workplace bullying and outlines a process for resolving bullying issues at the workplace and through the Industrial Relations Commission of South Australia.

The Act makes provision for prosecution but this has never occurred. Unions report that they have found the legislation ineffective and that it has sometimes made matters worse for the victim of bullying.

We agree with SA Unions that “there is a need for clear codes, better training and a whole of organisation approach when dealing with workplace bullying”.

Further oral submissions

The Young Workers Legal Service is compiling case studies of bullying experienced by its clients. We would welcome the opportunity to present these case studies to the House Standing Committee when it is in Adelaide on 8 August 2012.

This material was prepared by Anne Purdy of the Young Workers Legal Service.

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