

Senate Standing Committee on Education Employment and Workplace Relations

QUESTIONS ON NOTICE Budget Estimates 2012-2013

Agency - Comcare

DEEWR Question No. EW0206_13

Senator Abetz asked on 28 May 2012, Hansard page 85

Question

Bullying

Senator ABETZ: In relation to other government departments, what is the rate of reporting of bullying that occurs? Are you able to shed some light on that? Do you have a leagues table of how many complaints about workplace bullying you have had from each department? Mr O'Connor: We do record the allegations or issues that are raised with us in two ways that could be helpful in answering your question. One is with regard to work health and safety laws, breaches of them and applications. I would have to take on notice the actual number of referrals to our national assessment team. On the other side of the statutory ledger is the compensation claims that are made by federal workers in respect of psychological harm. One such category includes workplace bullying and harassment, work pressure, general discrimination or occupational violence.

Answer

Comcare has provided the following response.

Comcare currently receives reports of workplace bullying in two ways:

- Via allegations of unsafe working environments under the *Work Health and Safety Act 2011* (WHS Act) (previously the *Occupational Health and Safety Act 1991* (OHS Act)).
- As the mechanism of injury for claims under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

Both these streams suggest increasing numbers of reports of workers being affected by bullying behaviours.

This data can be broken down by employer and is used for regulatory decision making. Comcare does not publish league tables.

Previously, under the OHS Act, Comcare also received reports of workplace bullying through notifications. There are distinct differences between allegations and notifications.

An allegation refers to a request from a worker for Comcare to respond to a health and/or safety issue in their workplace, due to an immediate risk to health and safety and/or an alleged contravention of the Act. The use of the term allegation signifies these are no mandatory reporting requirements under the legislation.

A notification is a mandatory reporting requirement by the PCBU (person conducting a business or undertaking) to the regulator under the OHS and WHS Acts. Notification

requirements relate to an actual injury or the risk of injury. Consequently, there is no consistent standard to report perceptions of bullying through the notification provisions.

Under the OHS Act, bullying events may have led to notifications when a worker was absent for work for 30 days or more. The notification categories were changed for the WHS Act and bullying events do not meet the standard for an employer to notify the regulator as a dangerous incident or serious injury.

Consequently, bullying notification data has not been included in this response.

Number of allegations received from workers under the WHS and OHS Acts

Year	Number of allegations received from workers (premium payers)	Total (including military and self-insurers):
2009/2010	13	24
2010/2011	26	55
2011/2012*	31	53
<i>* Data current at 22/06/2012</i>		

Number of compensable injuries where workplace bullying or work related harassment was identified as the mechanism of injury

Year	Accepted	Rejected	total
2009/2010	137	133	270
2010/2011	172	115	287
2011/2012*	134	153	287
<i>* Data current at 31/03/2012</i>			