

Committee Secretary  
House of Representatives Standing Committee on Education and Employment  
[workplacebullying.reps@aph.gov.au](mailto:workplacebullying.reps@aph.gov.au)

**RE: Inquiry into workplace bullying**

Dear Committee Secretary,

On 17 August 2012, I attended the House of Representatives' Standing Committee on Education and Employment as a witness at the public hearing for the inquiry into workplace bullying. At this time, I was asked to provide evidence regarding the number of complaints the Fair Work Ombudsman has received from persons alleging that they have been subject to adverse action on the basis that they raised an issue of bullying and harassment.

At the time of the hearing, I advised the Committee that the Fair Work Ombudsman may have received two relevant complaints relating to adverse action regarding bullying and harassment. I am writing to clarify the information I provided to the Committee.

**Legislative background**

Section 340 of the *Fair Work Act 2009* (FW Act) provides protection against adverse action to persons with workplace rights. Section 341 outlines that a person has a 'workplace right' if they are able to make a complaint or inquiry:

- to a person or body having capacity under a workplace law to seek compliance with that workplace law or a workplace instrument; or
- if the person is an employee – in relation to his or her employment.

These provisions provide protection to employees who enquire about, or make a complaint in relation to, workplace bullying.

**Relevant matter**

The Fair Work Ombudsman has identified only one complaint lodged in relation to allegations that the complainant was subject to adverse action on the basis that they raised concerns about bullying and harassment:

- The Fair Work Ombudsman received a complaint alleging discrimination on the ground of physical disability, plus adverse action as a result of a complaint or inquiry about bullying and harassment in the workplace.
- The Fair Work Ombudsman investigated the matter but was unable to substantiate the discrimination and adverse action allegations made by the complainant due to insufficient evidence.
- The complainant was referred to Workplace Health and Safety Queensland to formally pursue the bullying and harassment complaint.

Thank you for the opportunity to attend that the public hearing and to provide evidence to the inquiry on workplace bullying. Should you require any additional information, please feel free to contact me on (08) 8225 8288 or at [bill.loizides@fwo.gov.au](mailto:bill.loizides@fwo.gov.au).

Yours sincerely,

**Bill Loizides**  
Group Manager  
Policy, Education and Partnership Group  
Fair Work Ombudsman  
10 September 2012