

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Agency - Fair Work Commission

Department of Employment Question No. EM1592_15

Senator Cameron asked on 23 October 2014 on proof Hansard page 27

Question

FWC - Processes to deal with bullying claims

Senator CAMERON: Are processes in place to deal with the bullying claims?

Ms O'Neill: They certainly are.

Senator CAMERON: Has there been any concern about how the claims are being dealt with within the commission?

Ms O'Neill: You mean raised, for example, by external parties?

Senator CAMERON: Yes.

Ms O'Neill: Not to my knowledge. I will take that on notice, if I may.

Answer

The Fair Work Commission received and processed 577 applications between 1 January and 23 October 2014. During this period one formal complaint about the process for dealing with applications has been received. The complaint was in relation to documents received by the Fair Work Commission being sent to the other parties to the matter. It was explained that this was a critical aspect of natural justice where the Commission is formally dealing with an application.

Some employer parties have informally raised concerns about applications being served on those individuals named in the application. Except in exceptional circumstances as decided by the Panel Head on a case-by-case basis, applications for an order to stop bullying are served on all parties to the matter, including all the persons named as having engaged in bullying behavior. This is reflected in the *Fair Work Australia Rules 2013* and takes into account that the person named as having engaged in bullying behavior is a party to the matter in their own right and should be aware of the application and have the opportunity to respond.

Positive feedback has also been received in relation to the case management process, whereby applicant workers and employers are contacted prior to effecting service of the application.