

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2012-2013**

Outcome 4 - Workplace Relations and Economic Strategy

DEEWR Question No. EW0955_13

Senator Abetz asked on 13 February 2013, Hansard page 129

Question

Building Code 2013

Senator ABETZ: It is an existing thing to have a building code but, when you change the arrangements, it is something quite significant. Can I ask whether holding a sign at a workplace attacking scabs would be considered bullying under the minister's new regime? Mr Kovacic: I would have to take that on notice. Senator ABETZ: Does the new regime take into account the sort of bullying that occurred at the Grocon site, Abigroup, the Queensland Children's Hospital site, Little Creatures, and City West Water, where workers have to be flown in by helicopter? Will this bullying code deal with the mental harm and concern that workers have when they have to go to work in those circumstances? Mr Kovacic: I am happy to take the question on notice. But one of the things I would emphasise is that, in respect of a number of those disputes that you have alluded to, the Fair Work Building Industry Inspectorate has undertaken investigations and in some instances initiated prosecutions in the courts relating to those particular disputes. That is consistent with the government's commitment to having a strong cop on the beat. Senator ABETZ: But will it be covered by— Mr Kovacic: I have taken that aspect on notice.

Answer

Under the anti-bullying provisions contained in the Fair Work Act Amendment Bill 2013, a worker is bullied at work if, while the worker is engaged by a 'constitutionally-covered business' (see s 789FD), another individual or group of individuals repeatedly directs unreasonable behaviour towards the worker, or a group of workers of which the worker is a member, and that behaviour creates a risk to health and safety. If the Fair Work Commission is satisfied that the worker has been bullied, and there is a risk that the worker will continue to be bullied, it may make an order to prevent the worker being further bullied at work.

Whether a worker has been bullied at work and is at risk of being bullied in the future will be a matter of fact to be determined by the Fair Work Commission upon receiving an application for an order. Orders will not necessarily be limited or apply only to the employer of the worker being bullied, but could also apply to others, such as co-workers and visitors to the workplace.