

BULLYING IN THE WORKPLACE

APRIL 2011

The punitive measures to deter workplace bullying are likely to be significantly extended after the announcement this week of a proposed amendment to the Victorian Crimes Act. The changes are almost certainly to be introduced after the Victorian Cabinet approved the Crimes Amendment (Bully) Bill 2011, which broadens the definition of *stalking* to include workplace bullying, and imposes the possibility of a maximum ten year jail sentence on offenders. Under the amendment, bullying behaviour in the workplace that is part of a course of conduct and could reasonably be expected to cause mental or physical harm to the victim, including self-harm, will be treated as stalking.

Currently, it is only possible for prosecutors to bring proceedings in workplace bullying matters as a workplace offence. The Victorian move significantly increases the ramifications for those who engage in bullying in the workplace.

As employers we encourage you to take note of the impending changes after industry groups called for the Victorian amendments to be adopted nationally.

The changes to the legislation were prompted after a waitress working at a Victorian cafe committed suicide following her being subjected to severe workplace bullying at the hands of three of her co-workers. In this case, the workplace legislation (in Victoria) did not allow prosecutors to call for the jailing of the perpetrators and fines were imposed instead.

The legislative notice of the Victorian Parliament has drawn the issue of workplace bully behaviour to public attention. This change to legislation is a timely reminder to employers to take all reasonable steps to reduce incidents of bullying and/ or harassment occurring at work.

If you have any questions in relation to this bulletin please do not hesitate to contact any of the members of CG Law's workplace team.

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