

June 9, 2003

Workers Compensation
And OHS
Productivity Commission
PO Box 80
Belconnen ACT 2616
Facsimile 02 6240 3311

Dear Sir / Madam,

Re; Darwin ASU office submission to the Workers Compensation and OHS Productivity Commission.

The Darwin Office of the Australian Services Union wishes to submit for the public record the following in relation to the review of the Northern Territory Work Health Act.

Workplace Bullying

The Australian Services Union submits that the Northern Territory Anti Discrimination Act and the Northern Territory Work Health are inadequate when dealing with the issue of workplace bullying for workers in the Northern Territory and Australia. The Australian Services Union submits that workplace bullying is no less than a \$3 Billion dollars a year problem facing workers throughout Australia and this equates to **NO LESS THAN \$3 BILLION LOSS IN PRODUCTIVITY TO THE AUSTRALIAN ECONOMY**. The Australian Services Union and the Director of the Office of NT Work Health stated, as quoted in the **Northern Territory News** newspaper on November 13 2002, the following:

The rate of workplace bullying and harassment is increasing in the Territory, a leading Work Health Official said yesterday.

Office of Work Health and Electrical Safety director Mark Crossin said incidents of workplace bullying and harassment were increasing as employees worked longer hours.

His comments followed a call by Australian Services Union official Lucio Matarazzo for the Government to include a definition of workplace bullying in the Work Health and Anti Discrimination Acts. Mr Matarazzo said the current Acts did not prevent workplace bullying."

"Workplace bullying is one of the biggest problems facing workers in the NT at present, he said. "At the moment there is no penalty that can be invoked on employers or other workers that engage in workplace bullying unless it is lodged on grounds of discrimination." "If a person is not injured in accordance with the Work

Health Act, no compensation will be paid to the employee who is bullied or harassed in the workplace."

The Australian Services Union calls upon all Australian Governments to introduce progressive, mature, effective and world's best practice legislation. The ASU applauds introduction by the Victorian Labor Government in February 2003 this year Guidance Notes on Prevention of Bullying and Violence at Work by WorkSafe Victoria, but submits this does not go far enough. The ASU calls on all Australian Governments to investigate the Scandinavian and UK Parliaments with the Dignity in the Workplace Bills & Legislation, to ensure that all Australian workers faced with workplace bullying have real and effective legislation to assist them.

The ASU can recommend the following very useful websites on the subject of Workplace Bullying;

www.workplacebullying.com

www.bullyonline.org

www.bulliesdownunder.com

I have a genuine interest in the subject of bullying. I like many others have been a recipient of it, a witness to it and know of persons who have suffered the effects of bullying and have helped people who have been bullied and have represented various persons, including ASU members, in various different forums and tribunals.

I also has a letter to the Editor published in the **Northern Territory News** newspaper in my capacity as a private citizen on June 7, 2003, where I stated;

"I refer to the articles in the Northern Territory News of June 2, 2003 in regard to stress and workplace bullying.

In my view, workplace bullying is caused by persons who are either threatened by others who are more capable than themselves or by those who may expose deficient work performance or expose immoral, unethical and/ or unlawful conduct.

Workplace Bullying will not be eliminated in organisations be they small businesses, large corporations, the public service, religious orders, welfare organisations or trade unions to name just a few, when there is no requirements to genuine open, transparent and accountable processes and no effective legislation to deal with this issue."

Other Areas in the Northern Territory Work Health Act.

The Australian Services Union requests that a review of the follow other areas of the Act also be undertaken;

- the definition of worker in the Act.
- the definition of injury in the Act.
- The fact that workers on workers compensation do not accrue annual leave, and or long service leave entitlements and these workers are not entitled to employer funded superannuation whilst on workers compensation.
- Including provisions in the Act for mandatory occupational health and safety committees with worker participation for medium to large employers.

Yours sincerely,

Lucio Matarazzo
NT ASU Industrial officer