

## Fair Work Information Statement

From 1 January 2010, this Fair Work Information Statement is to be provided to all new employees by their employer as soon as possible after the commencement of employment. The Statement provides basic information on matters that will affect your employment. If you require further information, you can contact the **Fair Work Infoline** on **13 13 94** or visit **www.fairwork.gov.au**.

### ► The National Employment Standards

The *Fair Work Act 2009* provides you with a safety net of minimum terms and conditions of employment through the National Employment Standards (NES).

#### There are 10 minimum workplace entitlements in the NES:

1. A maximum standard working week of 38 hours for full-time employees, plus 'reasonable' additional hours.
2. A right to request flexible working arrangements.
3. Parental and adoption leave of 12 months (unpaid), with a right to request an additional 12 months.
4. Four weeks paid annual leave each year (pro rata).
5. Ten days paid personal/carer's leave each year (pro rata), two days paid compassionate leave for each permissible occasion, and two days unpaid carer's leave for each permissible occasion.
6. Community service leave for jury service or activities dealing with certain emergencies or natural disasters. This leave is unpaid except for jury service.
7. Long service leave.
8. Public holidays and the entitlement to be paid for ordinary hours on those days.
9. Notice of termination and redundancy pay.
10. The right for new employees to receive the Fair Work Information Statement.

A complete copy of the NES can be accessed at **www.fairwork.gov.au**. Please note that some conditions or limitations may apply to your entitlement to the NES. For instance, there are some exclusions for casual employees.

If you work for an employer who sells or transfers their business to a new owner, some of your NES entitlements may carry over to the new employer. Some NES entitlements which may carry over include personal/carer's leave, parental leave, and your right to request flexible working arrangements.

### ► Right to request flexible working arrangements

Requests for flexible working arrangements form part of the NES. You may request a change in your working arrangements, including changes in hours, patterns or location of work from your employer if you require flexibility because you:

- are the parent, or have responsibility for the care, of a child who is of school age or younger
- are a carer (within the meaning of the *Carer Recognition Act 2010*)
- have a disability
- are 55 or older
- are experiencing violence from a member of your family or
- provide care or support to a member of your immediate family or household, who requires care or support because they are experiencing violence from their family.

If you are a parent of a child or have responsibility for the care of a child and are returning to work after taking parental or adoption leave you may request to return to work on a part-time basis to help you care for the child.

#### ► Modern awards

In addition to the NES, you may be covered by a modern award. These awards cover an industry or occupation and provide additional enforceable minimum employment standards. There is also a Miscellaneous Award that may cover employees who are not covered by any other modern award.

Modern awards may contain terms about minimum wages, penalty rates, types of employment, flexible working arrangements, hours of work, rest breaks, classifications, allowances, leave and leave loading, superannuation, and procedures for consultation, representation, and dispute settlement. They may also contain terms about industry specific redundancy entitlements.

If you are a manager or a high income employee, the modern award that covers your industry or occupation may not apply to you. For example, where your employer guarantees in writing that you will earn more than the high income threshold, currently set at \$136,700 per annum and indexed annually, a modern award will not apply, but the NES will.

#### ► Agreement making

You may be involved in an enterprise bargaining process where your employer, you or your representative (such as a union or other bargaining representative) negotiate for an enterprise agreement. Once approved by the Fair Work Commission, an enterprise agreement is enforceable and provides for changes in the terms and conditions of employment that apply at your workplace.

There are specific rules relating to the enterprise bargaining process. These rules are about negotiation, voting, matters that can and cannot be included in an enterprise agreement, and how the agreement can be approved by the Fair Work Commission.

You and your employer have the right to be represented by a bargaining representative and must bargain in good faith when negotiating an enterprise agreement. There are also strict rules for taking industrial action. For information about making, varying, or terminating enterprise agreements visit the Fair Work Commission website, [www.fwc.gov.au](http://www.fwc.gov.au).

#### ► Individual flexibility arrangements

Your modern award or enterprise agreement must include a flexibility term. This term allows you and your employer to agree to an Individual Flexibility Arrangement (IFA), which varies the effect of certain terms of your modern award or enterprise agreement. IFAs are designed to meet the needs of both you and your employer. You cannot be forced to make an IFA, however, if you choose to make an IFA, you must be better off overall. IFAs are to be in writing, and if you are under 18 years of age, your IFA must also be signed by your parent or guardian.

#### ► Freedom of association and workplace rights (general protections)

The law not only provides you with rights, it ensures you can enforce them. It is unlawful for your employer to take adverse action against you because you have a workplace right. Adverse action could include dismissing you, refusing to employ you, negatively altering your position, or treating you differently for discriminatory reasons. Some of your workplace rights include the right to freedom of association (including the right to become or not to become a member of a union), and the right to be free from unlawful discrimination, undue influence and pressure.

If you have experienced adverse action by your employer, you can seek assistance from the Fair Work Ombudsman or the Fair Work Commission (applications relating to general protections where you have been dismissed must be lodged with the Fair Work Commission within 21 days).

#### ► Termination of employment

Termination of employment can occur for a number of reasons, including redundancy, resignation and dismissal. When your employment relationship ends, you are entitled to receive any outstanding employment entitlements. This may include outstanding wages, payment in lieu of notice, payment for accrued annual leave and long service leave, and any applicable redundancy payments.

Your employer should not dismiss you in a manner that is 'harsh, unjust or unreasonable'. If this occurs, this may constitute unfair dismissal and you may be eligible to make an application to the Fair Work Commission for assistance. It is important to note that applications must be lodged within 21 days of

dismissal. Special provisions apply to small businesses, including the Small Business Fair Dismissal Code. For further information on this code, please visit [www.fairwork.gov.au](http://www.fairwork.gov.au).

► **Right of entry**

Right of entry refers to the rights and obligations of permit holders (generally a union official) to enter work premises. A permit holder must have a valid and current entry permit from the Fair Work Commission and, generally, must provide 24 hours' notice of their intention to enter the premises. Entry may be for discussion purposes, or to investigate suspected contraventions of workplace laws that affect a member of the permit holder's organisation or occupational health and safety matters. A permit holder can inspect or copy certain documents, however, strict privacy restrictions apply to the permit holder, their organisation, and your employer.

► **The Fair Work Ombudsman and the Fair Work Commission**

The **Fair Work Ombudsman** is an independent statutory agency created under the *Fair Work Act 2009*, and is responsible for promoting harmonious, productive and cooperative Australian workplaces. The Fair Work Ombudsman educates employers and employees about workplace rights and obligations to ensure compliance with workplace laws. Where appropriate, the Fair Work Ombudsman will commence proceedings against employers, employees, and/or their representatives who breach workplace laws.

If you require further information from the Fair Work Ombudsman, you can contact the **Fair Work Infoline** on **13 13 94** or visit [www.fairwork.gov.au](http://www.fairwork.gov.au).

The **Fair Work Commission** is the national workplace relations tribunal established under the *Fair Work Act 2009*. The Fair Work Commission is an independent body with the authority to carry out a range of functions relating to the safety net of minimum wages and employment conditions, enterprise bargaining, industrial action, dispute resolution, termination of employment, and other workplace matters. If you require further information, you can visit the **Fair Work Commission** website, [www.fwc.gov.au](http://www.fwc.gov.au).

The Fair Work Information Statement is prepared and published by the Fair Work Ombudsman in accordance with section 124 of the *Fair Work Act 2009*.

© Copyright Fair Work Ombudsman. Last updated: July 2015.



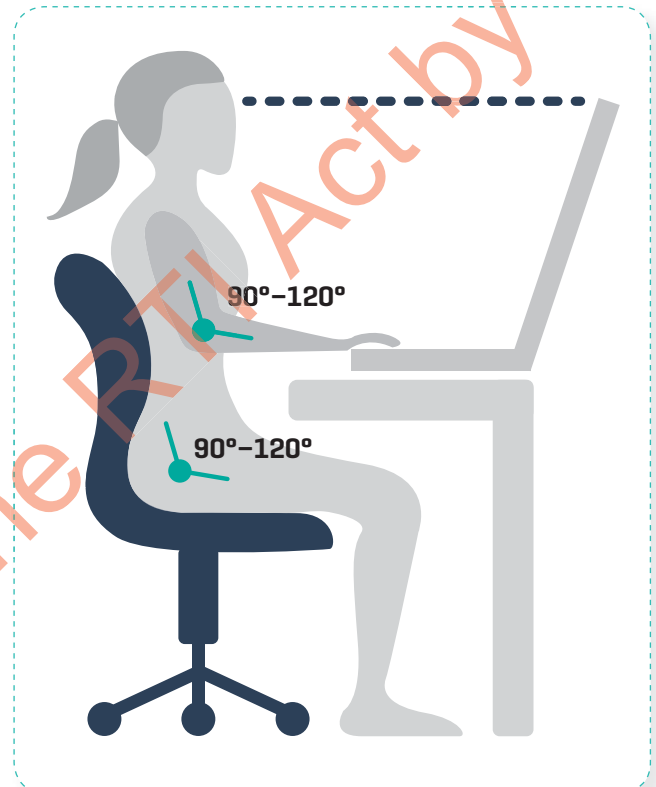
# Telework

## Home workstation self-assessment CHECKLIST

Work Station (Desk):	Yes	No
680mm–720mm above floor?		
Minimum 1500mm in width?		
Minimum 700mm deep?		
Is there appropriate leg clearance under the desk?		
Is the desk height adjustable?		
If yes, can you adjust the desk so your forearms are horizontal or slightly angled downwards when placed on your keyboard?		
If no, can you adjust your chair height so that your forearms are horizontal or slightly angled downwards when placed on your keyboard?		
Are all often used items within easy reach?		
Are the phone and mouse on opposite sides of your keyboard to encourage use of both arms?		

Chair:	Yes	No
Is it comfortable?		
Is it adjustable?		
Does it swivel?		
Does it have five wheels?		
Does it sit on a carpeted floor surface?		
Is the seat pan depth 330mm–440mm?		
Is there a 2 – 3 finger gap between the end of your seat and the back of your knees?		
Can you get close enough to the workstation without impediment?		
Is the backrest adjusted to support your lower back? <i>(see attached image)</i>		
Is the backrest of the chair in an upright position providing good alignment for your head and neck? <i>(see attached image)</i>		



Can you adjust the chair height so that your thighs are horizontal and lower legs approximately vertical with your feet flat on the floor? *(see attached image)*

Note: If you have had to adjust your chair height as you are unable to adjust your desk a foot rest can be used if required to ensure your feet are appropriately supported.

Do your feet sit comfortably on the floor or do you require a foot rest? *(see attached image)*

Laptop:	Yes	No
---------	-----	----

Do you use a laptop?

> If yes:

Is the laptop raised on a stand?

Are you utilising a separate keyboard with your laptop?



Are you using a separate mouse?		
Do you utilise this equipment when working away from the workstation?		
<b>Monitor:</b>	<b>Yes</b>	<b>No</b>
Is the viewing distance to the monitor comfortable and approximately an arm's length away?		
Is the top of the monitor about equal with your eye level?		
Is the monitor positioned to ensure it is not affected by glare or reflections?		
<b>Telephone Operations:</b>	<b>Yes</b>	<b>No</b>
Is the telephone placed within easy reach?		
Do you require a headset due to regular telephone communications being required?		
<b>Workstation Equipment:</b>	<b>Yes</b>	<b>No</b>
<b>&gt; Keyboard</b>		
Is the keyboard in a central position?		
Is it within a relaxed and easy reach distance?		
Are the keyboard feet adjusted so that the keyboard is as flat as possible to encourage a neutral wrist position when typing?		
<b>&gt; Document Holder</b>		
Do you refer to paper documents regularly as part of your regular tasks?		
Do you have a document holder?		
If yes: Is the document holder in an appropriate position?		
<b>&gt; Mouse</b>		
Is it within easy reach?		
Is it adjacent to the keyboard?		
Are the phone and mouse on opposite sides of your keyboard to encourage use of both arms?		
<b>Environment:</b>	<b>Yes</b>	<b>No</b>
Is the light in the work area suitable for the work performed?		
Is there glare or shadow on the work surface?		
Is there any distracting noise near your work area?		
Is the room able to be maintained at a comfortable temperature?		

Is the work area of sufficient size to undertake the duties?		
Is the area free from slip/trip hazards?		
<b>Electrical Safety:</b>	<b>Yes</b>	<b>No</b>
Is all electrical equipment free from obvious external damage?		
Is there a sufficient number of power points to avoid overloading?		
Are the cords, plugs and outlet sockets in a safe condition?		
<b>Office Storage</b>	<b>Yes</b>	<b>No</b>
Is the storage area for documents and other items adequate?		
<b>Emergency procedures:</b>	<b>Yes</b>	<b>No</b>
Are all exits clear?		
Are smoke alarms present and in working order?		
Is First Aid equipment readily available?		

I confirm that I have completed the above checklist relating to my workstation at home and home working environment and that the information I have provided above is accurate. I agree to take reasonable care for my health and safety whilst working from home.

Full Name: .....  
(Please print)

Signature: ..... Date: \_\_/\_\_/\_\_

**Disclaimer:** This checklist is provided to raise employees' awareness of WHS issues in a home working environment and to assist employers to discharge their WHS obligations. It is not intended to replace the need for ongoing vigilance in relation to WHS matters. Where employees are concerned about WHS issues, these issues should be brought to the employers immediate attention. Employers may also choose to undertake onsite inspections of the home working environment.

#### For more information

For more information on telework, to view other fact sheets and videos, and participate in ongoing discussion and networking, go to:

**Website:** [www.telework.gov.au](http://www.telework.gov.au)

**LinkedIn:** [telework2020](https://www.linkedin.com/company/telework2020)

**Twitter:** [#telework](https://twitter.com/DBCDEgov)



**Telework**



**National  
Broadband  
Network**

# Mental Health Trivia

## TOPIC 1, FILM

1. In the classic movie 'Rain Man' starring Dustin Hoffman and Tom Cruise, what disorder is Hoffman's character Raymond living with?

**AUTISM**

2. In 2012, actor Bradley Cooper stars in the movie 'Silver Linings Playbook'. In this movie, Cooper's character Pat struggles managing his relationships due to his emotional outbursts. What disorder does Pat become labelled with in this movie?

**BIPOLAR DISORDER**

3. In a 1975 comedy-drama, Jack Nicholson's character "Mac" McMurphy helped his friends to escape a psych ward and Nurse Ratched's unpleasant medical methods. Together they stole a hospital bus, commandeered a boat and went deep sea fishing. What was the name of this film based on a 1962 novel of the same name by Ken Kesey?

**One Flew Over the Cuckoo's Nest**

4. In 2001, Russell Crowe stars in 'A Beautiful Mind'. The movie is a biographical drama film based on the life of John Nash; a mathematical savant who is faced with constant challenges due to his condition. Which mental illness befell John Nash?

**SCHIZOPHRENIA**

5. In 1997, Jack Nicholson found himself acrobatically dodging cracks in the ground, endlessly flicking light switches, and visiting his favourite diner every day to sit in his regular booth. In this film titled 'As Good As it Gets', which disorder was Nicholson's character Melvin living with?

**OBSESSIVE-COMPULSIVE DISORDER (OCD)**

6. In the year 2000, Christian Bale played the role of an intelligent and wealthy investment executive with a dark secret. By day, Bale's character Patrick Bateman works on Wall Street earning his fortune, while at night, he exercises his violent psychopathic fantasies. What was the title of this movie?

**AMERICAN PSYCHO**

## Topic 2, General Knowledge Round (All questions based on Australian statistics)

1. True or False, Women are more likely than men to use services for mental health? **TRUE**
2. How many Australians per year will experience mental illness? Is it:
  - A. One in three
  - B. One in five.**
  - C. 50%.
  - D. 80%



## Mental Health Trivia

3. How much more likely are women to experience some type of eating disorder than men? Is it:
  - A. Twice as likely.
  - B. Five times more likely.
  - C. Equally as likely.
  - D. **Nine times more likely**
4. How much more likely are men to have substance abuse disorders? Is it:
  - A. Equally as likely.
  - B. **More than twice as likely.**
  - C. More than three times as likely.
  - D. None of the above.
5. According to the Australian Institute of Health and Welfare, what percentage of prisoners have a mental illness? Is it:
  - A. **49%**
  - B. 65%
  - C. 36%
  - D. 12%
6. True or false, you can go to your local GP to seek mental health support?  
**TRUE**

### TOPIC 3, PHOBIAS (1 point each)

Pre-round hint: Most of these should be able to be guessed reasonably easily by the name even if you have never heard of it.

1. Arachnophobia is the fear of what?  
**SPIDERS**
2. Acousticophobia is the fear of what?  
**NOISE**
3. Coulrophobia is the fear of what?  
**CLOWNS**
4. Cleptophobia is the fear of what?  
**STEALING**
5. Francophobia is the fear of what?  
**France or French culture**
6. Phobophobia is the fear of what?  
**Fear of phobias** (panphobia is the fear of everything)

Mental Health  
Professionals' Network

Emirates House  
Level 8  
257 Collins Street  
Melbourne  
VIC 3000

postal  
PO Box 203  
Flinders Lane  
VIC 8009

email  
contactus@mhpn.org.au

telephone  
1800 209 031

www.mhpn.org.au

## Mental Health Trivia

### BONUS (3 points instead of 1)

7. Omphalophobia is the fear of what?

Belly Buttons

### Brain Round:

1. True or false, 60% of your brain is fat

TRUE

2. True or false, Humans only use 10% of their brain

FALSE

3. True or false, Einstein's brain was lighter than the average brain weight

TRUE (but he had a higher than average neuron density)

4. True or false, smelling chocolate can help you feel relaxed

TRUE (it increases Theta waves in your brain which triggers relaxation)

5. True or false, the human brain is the largest brain

FALSE

6. True or false, listening to Mozart makes you smarter

FALSE

### BONUS:

Resulting from something you might have when the weather is hot, Spheno-palatine Ganglio-neuralgia is the scientific term for what form of brief painful headache?

Brain freeze, or ice-cream headache, or head-freeze

Mental Health  
Professionals' Network

Emirates House  
Level 8  
257 Collins Street  
Melbourne  
VIC 3000

postal  
PO Box 203  
Flinders Lane  
VIC 8009

email  
contactus@mhpn.org.au

telephone  
1800 209 031

www.mhpn.org.au





BLACK DOG INSTITUTE

# Fact Sheet

## WORKPLACE WELLBEING

### What this fact sheet covers:

- Why worry about workplace mental health and wellbeing?
- Top ten factors involved with workplace mental health
- Practical strategies to increase workplace wellbeing
- How to find a job that suits you
- References

### Why worry about workplace mental health and wellbeing?

As you are reading this, 1 in 6 Australian workers will be experiencing a mental illness. Many others will be experiencing the initial signs of mental illness including insomnia, worry and fatigue.

Depression and anxiety are now the leading cause of long-term sickness absence in the developed world. They are also associated with presenteeism, where an employee remains at work despite their condition causing significantly reduced productivity. In Australia alone, poor mental health at work is estimated to cost the economy over \$12billion/year including over \$200million worth of workers compensation claims.

While the dollar values are striking, there is a significant human cost as well. We know that meaningful employment is integral to recovery from mental illness, yet there is a tendency for these individuals to be marginalised from the workforce. In reality, research shows that the majority of mental illness seen in the workforce is treatable, and possibly even preventable.

From an organisational perspective addressing mental health in the workplace can increase productivity, and employee engagement. For the individual, it means a healthy, balanced life and psychological wellbeing. The benefits of a mentally health workforce are crystal clear.

"A mentally healthy workplace is one in which risk factors are acknowledged and addressed, and protective factors are fostered and maximised."

### The top ten factors involved with workplace mental health

Research has shown that there are a number of factors that need to be addressed to achieve a mentally healthy workforce.

#### 1) Demand and Control

Jobs that are characterised by high emotional and/or cognitive demands have a higher rate of sickness absence due to mental illness. This is particularly the case when the role involves a high job demand (eg time pressure) but low job control (eg low-decision making capacity). Typical examples of these workforces include teachers, nurses, lawyers and industrial workers.



BLACK DOG INSTITUTE

# Fact Sheet

## WORKPLACE WELLBEING

### **2) Opportunity and security**

Roles involving variety, task identity, significance and appropriate feedback are more likely to be associated with higher levels of workplace wellbeing. Job insecurity, lack of appropriate resources, lack of learning opportunity and a disproportionate pressure to perform are associated with poor workplace mental health.

### **3) Trauma**

Occupations with regular exposure to traumatic events have an increased risk of mental health problems including depression and post traumatic stress disorder (PTSD). This includes police officers, paramedics, fire fighters, military personnel, medical staff and journalists. A recent review estimated that 1 in 10 emergency workers currently suffer from symptoms of PTSD.

### **4) Relationships with colleagues and managers**

Team relationships, and the focus on relationships placed by leadership, affect individual mental health outcomes. In many occupations, interpersonal relations are the most frequent source of workplace problems and stress, particularly if indicative of workplace bullying. Social support in the workplace, as well as perceived support from the organisation as a whole, appears to have a protective effect against mental health difficulties.

### **5) Leadership training**

Managers and supervisors play a clear role in the welfare of staff. The actions and opinions of someone in a leadership role can have a potent influence on a staff member at risk of mental illness. Research shows that managers provided with mental health training feel more confident in discussing mental health matters and have staff that display reduced psychological distress. Additionally, an inspiring, motivated and caring leadership style has been associated with enhanced mental wellbeing.

### **6) Organisational change**

Common organisational activities such as restructuring and downsizing can result in increased job strain and insecurity. Research shows that even those staff members who were not at risk of job loss experienced increased rate of mental illness, sickness absence and disability. Humanising an organisation and planning how any changes take place can provide a level of support resulting in improved job satisfaction and mood.

### **7) Recognition and rewards**

Recognition and reward in a work environment refers to appropriate acknowledgement and gratitude of an employee's efforts in a fair and timely manner. Two major research reviews have suggested that an imbalance between effort and reward results in an increased risk of mental disorder. Additionally, these factors may indicate a disconnect between organisational culture and employee expectations.



BLACK DOG INSTITUTE

# Fact Sheet

## WORKPLACE WELLBEING

### 8) Safety and environment

A mentally healthy workplace provides a both a physically and psychological safe climate for employees. This includes a commitment to stress management, addressing of environmental triggers such as poor lighting or noise exposure, and participation of all levels of management to the development of safety frameworks.

### 9) Stigma

Mental illness remains the most stigmatised group of disorders in the workplace. Employers frequently state they would not employ someone with a known mental disorder and employees will not risk disclosing any mental challenges. A responsible workplace should make every effort to reduce stigma and encourage help-seeking and support..

### 10) Work/ life balance

Even with an understanding and proactive employer, individual employees may experience personal crises that will impact their productivity and ability to remain at work. Life experiences such as marital distress, financial strain or dependent children can exacerbate work stress and result in strain, illness and sickness absence. In addition, other issues such as substance misuse, poor diet and limited exercise may be directly related to the organisation culture as well as personal choices. Research has shown that job satisfaction, organisational support and resilience training can have a protective effect on individuals at risk.

### Practical strategies to increase workplace wellbeing

A recent research review by Harvey et al has identified a number of interventions that are effective in reducing significant mental illness in the workplace. These include -

- 1) Increasing employee control through implementation of multi-level working committees and greater employee input into work hours and location
- 2) Consider workplace health promotion strategies that include both physical activity incentives and mental health awareness and education. Programs that involve cognitive behaviour therapy and relaxation training are been shown to have an effect in previous studies.
- 3) Implement resilience training for high risk occupations such as those exposed to significant levels of trauma or stress
- 4) In-house workplace counselling may be of benefit, as is the provision of formal return to work programs.
- 5) Provision of peer support schemes or other ways to ensure staff are able to seek help early if needed.



BLACK DOG INSTITUTE

# Fact Sheet

## WORKPLACE WELLBEING

### **How to find a job that suits you?**

When looking for a new job or as part of your current work, remain independent of it, and try to become part of something worthwhile that is larger than yourself. This helps keep a sense of perspective. Achieve balance and peace of mind via things such as:

- Meditation and other techniques to calm the mind
- Getting involved in a hobby/interest
- Listening to music
- Sleeping well
- Eating well
- Using exercise as a stress release
- Taking things in moderation
- Avoiding the use of alcohol to 'wind down'
- Recognising the importance of work-life balance

### **For more information on workplace mental health visit:**

[www.blackdoginstitute.org.au](http://www.blackdoginstitute.org.au)

[www.wmh.unsw.edu.au](http://www.wmh.unsw.edu.au)

### **Black Dog Institute**

Hospital Road, Prince of Wales Hospital, Randwick NSW 2031

(02) 9382 4530

[www.blackdoginstitute.org.au](http://www.blackdoginstitute.org.au)

Email: [blackdog@blackdog.org.au](mailto:blackdog@blackdog.org.au)

# The role of Workplace Health and Safety Queensland in workplace bullying complaints

## What is workplace bullying?

Workplace bullying is defined as *repeated* and *unreasonable* behaviour directed towards a worker or a group of workers that *creates a risk to health and safety*.

*Repeated behaviour* refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

*Unreasonable behaviour* means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

## What is not workplace bullying?

1. A single incident of unreasonable behaviour is not considered workplace bullying, however it may have the potential to escalate and should not be ignored by workplace parties.
2. Workplace bullying does not include reasonable management action taken in a lawful and reasonable way, taking the particular circumstances into account.
3. Differences of opinion and disagreements are generally not considered to be workplace bullying.
4. Workplace bullying does not include acts of unlawful discrimination <sup>1</sup> or sexual harassment <sup>2</sup>.

## What are my health and safety duties?

The *Work Health and Safety Act 2011* imposes health and safety duties on various parties at the workplace to ensure risks to work health and safety are effectively managed. These duties include managing risks to health and safety associated with workplace bullying.

The [Guide for preventing and responding to workplace bullying](#) provides information on the main health and safety problems linked to workplace bullying and gives practical advice on how to manage them.

## The role of Workplace Health and Safety Queensland in workplace bullying complaints

Workplace Health and Safety Queensland (WHSQ) can only respond to complaints in certain situations that fall within the scope of the *Work Health and Safety Act 2011*, such as:

- The complaint must (on face value) fall within the definition of workplace bullying.
- The complaint must be in writing unless there are exceptional circumstances.
- The complainant must contact the Work Health and Safety Infoline on 1300 362 128 for an information package, which includes the address to send the complaint and a checklist which must be completed, signed and attached to the written complaint.
- Attempts should be made to resolve the situation within the workplace prior to contacting WHSQ. Information regarding the outcome of attempts to resolve the matter at



the workplace should be included in the written complaint.

## What happens next?

Where a complaint falls within the above scope and a risk of injury or illness from workplace bullying is determined likely to exist, an inspector may be assigned to the complaint.

The purpose of the inspector's assessment is to determine if the duties under the *Work Health and Safety Act 2011* are being met in regard to managing the risk of workplace bullying. If the inspector determines from their assessment that systems at the workplace are inadequate, the inspector will select the most appropriate response/s ranging from advice through to issuing an improvement notice to secure compliance with the legislation.

WHSQ does not provide legal advice, mediation between parties, counselling or victim support for workplace bullying matters. Compensation, unfair dismissal, reinstatement or other individual outcomes are not within the role of WHSQ.

The inspector will contact the workplace, advise them of the complaint and may request evidence from the workplace that the risk of injury or illness from workplace bullying is being effectively managed.

The types of evidence an inspector could request may include:

- incident records
- a workplace policy that sets out standards of appropriate workplace behaviour
- copies of the workplace's reporting and response procedures
- workplace records to demonstrate how the allegation of workplace bullying has been investigated
- steps that were taken to remedy the situation (should the risk of workplace bullying be identified in the investigation)
- staff training records
- any other information required by the inspector.

## When an inspector visits

During a workplace visit, the inspector may review documentation and may interview staff members as part of the assessment. The inspector will assess if there is a risk of injury from workplace bullying and review controls implemented at the workplace.

The [Guide for preventing and responding to workplace bullying](#) states that a combination of control measures aimed at both the organisational level and at individual behaviours should be considered to effectively prevent and respond to workplace bullying risks. A strategy aimed at preventing or controlling exposure to the risk of workplace bullying may include:

1. management commitment in identifying, preventing and responding to workplace bullying
2. setting appropriate standards of behaviour at the workplace, e.g. through a code of conduct or workplace bullying policy
3. designing safe systems of work by clearly defining jobs and providing workers with the resources, information and training they need to carry out their work safely
4. developing productive and respectful workplace relationships through good management practices and effective communication
5. implementing workplace bullying reporting and response procedures
6. providing workers and others information, training and supervision.

When persons at the workplace fail to meet their duties under the *Work Health and Safety Act 2011*, inspectors may use a range of compliance and enforcement options including, but not limited to, advice, verbal directions, improvement and infringement notices.

Inspectors are skilled in determining the best enforcement option/s to use in response to a given situation in order to secure the most advantageous workplace health and safety outcome.

## More information

To obtain a copy of the [Guide for preventing and responding to workplace bullying](#), or for other work health and safety legislation and information, visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au) or call Workplace Health and Safety Queensland infoline on 1300 362 128.

<sup>1</sup> Discrimination on the basis of the following attributes— (a) sex (b) relationship status (c) pregnancy (d) parental status (e) breastfeeding (f) age (g) race (h) impairment (i) religious belief or religious activity (j) political belief or activity (k) trade union activity (l) lawful sexual activity (m) gender identity (n) sexuality (o) family responsibilities (p) association with, or relation to, a person identified on the basis of any of the above attributes.

<sup>2</sup> Sexual harassment is any form of unwelcome attention of a sexual nature that is humiliating, intimidating or offensive.



# Inspectorate Policy and Support Advice

5 November 2018

The following advice is based on a specific inquiry and caution should be applied regarding the application in different circumstances. The advice is based on WHS and ES Legislation, Codes of Practice, relevant standards, industry practice and departmental positions current at the time of writing. OIR staff should exercise their own skill and care with respect to the use of this advice. The advice was given in accordance with organisational expectations and priorities at that time and these may have changed since the advice was given. You must ensure that any changes, to which this advice is based on, are fully considered.

## Issuing notices to interstate persons conducting a business or undertaking

### Background

An employer / person conducting a business or undertaking (the PCBU) is located in Melbourne Victoria, and has approximately 60 workers employed throughout Queensland (QLD).

The employees (merchandisers) do not work from home. Promotional material is sent from the PCBU, direct to store locations (i.e. news agency, department store etc.). The employee subsequently attends the site and sets up promotional material. The PCBU also has a smaller number of managers who work from home.

The inspectorate is seeking to write an improvement notice, requiring the PCBU to inform and train its staff in relation to its workplace bullying and harassment policies and procedures.

### Question 1

Can a notice can be written against a Victorian PCBU without a dedicated workplace in QLD?

### Response

A notice can be written against a Victorian based PCBU without a dedicated workplace in QLD.

If there is a workplace in QLD, and that is where the contravention occurred/is likely to continue or be repeated, or is occurring, then the *Work Health and Safety Act 2011* (the Act) has jurisdiction (other than in circumstances involving Commonwealth jurisdiction, self-insured parties, or specific exclusions under the WHS Act).

The concept of 'dedicated workplace' has no basis in the WHS Act. Section 8(1) defines 'workplace' as including 'any place where a worker goes, or is likely to be at work'. The address of the PCBU, for the purposes of issuing a notice, must be its legal address or principal place of business, wherever that is located.

### Question 2

What would the address be for the location of the contravention (i.e. as workers are geographically dispersed across QLD and the notice applies to all employees)?

### Response

The 'site location' on the notice is the place where the contravention occurred/is likely to continue or be repeated, or is occurring. This may be more than one location (where the WHS Act has jurisdiction).

The inspector should have a reasonable belief for each location stated. This could be broad and descriptive (e.g. 'at businesses across South East QLD where workers are required to install promotional material'). An appendix should be included with the notice, explaining the basis for the belief and noting the specific locations the Inspector was aware of, that assisted in forming the belief. The inspector's notes would also need to include the basis (evidence) for this assertion.

Directions should best be steered away from to communicate the locations of the contraventions, due to issues relating to directions having been raised in recent (Jose Sanchez) appeals.

The Victorian address must not be used as the location of the contravention, as this would invalidate the notice. It is important to remember, that the contravention needs to be connected to QLD.

### **Consultation**

IPS consulted with Review and Appeals and Compliance Support Services in responding to this query.

Email: [Inspectoratepolicyandsupport@oir.qld.gov.au](mailto:Inspectoratepolicyandsupport@oir.qld.gov.au)