



ORDER

Fair Work Act 2009
s.789FC - Application for an order to stop bullying

Katherine (Kate) Burbeck

v

Alice Springs Town Council; Georgina Davison; Skye Price; Clare Fisher
(AB2017/120)

COMMISSIONER WILSON

MELBOURNE, 6 OCTOBER 2017

Order for an Anti-bullying remedy.

[1] Further to the Commission's decision issued on 6 October 2017 in [2017] FWC 4988, the application lodged by Ms Katherine Burbeck under section 789FC of the *Fair Work Act 2009* on 8 March 2017, the Commission orders the following:

1. The requirement of Ms Burbeck issued in the meeting held on 29 June 2016 that Ms Burbeck apologise to Ms Fisher for the email she sent to the library team on 23 June 2016 is set aside and is of no effect;
2. The requirements for Ms Burbeck to respond to and answer the matters set out in the First and Second Allegations letters dated 12 October 2016 and 20 October 2016 are set aside and are of no effect and the Council is ordered not to take any further action in relation to the matters set out in those letters;
3. The Council is ordered to approve any future application made by Ms Burbeck for annual leave, provided that she has complied with the Council's leave applications processes and policies and that she has sufficient leave accrued to cover the period of leave applied for and that her absence from work on annual leave does not cause undue inconvenience for other library staff members or the library as a whole.
4. Ms Burbeck will participate in performance counselling on the two matters set out in the performance appraisal of June 2016 as requiring development on her part, namely issues associated with her timekeeping and interpersonal communication skills, with it being possible that performance counselling on those matters may include a request to attend skills development training;
5. The Council's next assessment of Ms Burbeck's performance in accordance with its standard performance appraisal system will be no earlier than four months from the date she returns to work;

6. Ms Burbeck will comply with and follow the Council's Code of Conduct and its policies and procedures on Time Off In Lieu and working hours and any directions given to her by the Council which are consistent with the Code, the policies and procedures;
7. The Council will, within two months of the date of these orders, arrange for the conduct of anti-bullying and positive communication training by an external provider for persons employed in its library and the training will be attended by Ms Burbeck, Ms Fisher, Ms Davison and Ms Price as well as the other employees of the library;
8. The Council will, within two months of the date of these orders, review its procedures for commencing disciplinary action (however described) against staff members; handling interpersonal or workplace bullying grievances raised by staff members; and for investigating complaints of workplace bullying.



COMMISSIONER

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