# Anti-bullying report Jul–Sep 2016

## 1st Quarter 2016–17

This quarterly report on the anti-bullying jurisdiction covers the period 1 July 2016 to 30 September 2016.

Applications lodged and results recorded relate to the reporting period. Results are not confined to applications lodged in this period.

All data in this report refers to the *Fair Work Act 2009.*

| Information | Number |
| --- | --- |
| Lodgments |  |
| Number of applications for an order to stop bullying at work | 203 |
| Number of matters dealt with in 14-day period[[1]](#footnote-1) |  |
| Days within which matters have started to be dealt with | 203 |
| Median | 1 |
| 100th percentile | 5 |
| Finalised matters |  |
| Applications withdrawn early in case management process[[2]](#footnote-2) | 55 |
| Applications withdrawn prior to proceedings[[3]](#footnote-3) | 30 |
| Applications resolved during the course of proceedings[[4]](#footnote-4) | 37 |
| Applications withdrawn after a Conference or Hearing and before decision | 47 |
| Applications finalised by a decision[[5]](#footnote-5) | 24 |
| Decision details |  |
| Total applications dismissed | **23** |
| Jurisdictional objection upheld - application dismissed | 2 |
| Application dismissed—bullying at work not found and/or no risk of bullying continuing | 3 |
| Application dismissed: s.587[[6]](#footnote-6) | **18** |
| Total applications granted | 1 |
| Application granted—worker at risk of continued bullying at work, order issued | 0 |
| Application granted—worker at risk of continued bullying at work, order yet to be issued | 1 |
| Application granted—worker at risk of continued bullying at work, further decision and order issued | 0 |
| Total decisions | **24** |
| Analysis of staff mediations |  |
| Number of applications subject to mediations | 2 |
| Number of mediations conducted by telephone[[7]](#footnote-7) | 2 |
| Number of mediations conducted in person | 0 |
| Number of mediations by video conference/other | 0 |
| Demographic information[[8]](#footnote-8) |  |
| Type of applicant worker:[[9]](#footnote-9) | 203 |
| Employee  | 191 |
| Employee of a labour hire company | 0 |
| Contractor or subcontractor | 6 |
| Apprentice or trainee | 0 |
| Work experience student  | 0 |
| Volunteer | 4 |
| Unknown/unclear | 2 |
| Size of business:[[10]](#footnote-10) | 203 |
| Less than 15 employees | 25 |
| 15 to 50 employees | 40 |
| 51 to 100 employees | 13 |
| 100+ employees | 103 |
| Unknown/unclear | 22 |
| Worker alleges unreasonable behaviour is engaged in by:[[11]](#footnote-11)  | 221 |
| Their manager  | 118 |
| A group of managers | 64 |
| Another worker | 12 |
| A group of workers | 2 |
| A subordinate | 2 |
| Another individual (not employed or engaged by their employer or principal i.e. a visitor to the workplace) | 13 |
| A member of the board | 7 |
| Unknown/unclear | 3 |
| State/Territory where worker is engaged:[[12]](#footnote-12) | 203 |
| Australian Capital Territory | 3 |
| New South Wales | 58 |
| Northern Territory | 4 |
| Queensland | 30 |
| South Australia | 10 |
| Tasmania | 5 |
| Western Australia | 39 |
| Victoria | 54 |
| Unknown/unclear | 0 |
| Industries:[[13]](#footnote-13) | 203 |
| Aged care industry | 1 |
| Airline operations | 1 |
| Amusement, events and recreation industry | 3 |
| Animal care and veterinary services | 4 |
| Banking finance and insurance industry | 6 |
| Building, metal and civil construction industries | 11 |
| Business equipment industry | 1 |
| Cemetery operations | 1 |
| Children's services | 4 |
| Cleaning services | 12 |
| Clerical industry | 15 |
| Clothing industry | 1 |
| Commercial sales | 3 |
| Commonwealth employment | 2 |
| Contract call centre industry | 1 |
| Corrections and detentions | 2 |
| Educational services | 17 |
| Electrical power industry | 1 |
| Fast food industry | 1 |
| Food, beverages and tobacco manufacturing industry  | 2 |
| Health and welfare services | 22 |
| Hospitality industry | 4 |
| Indigenous organisations and services  | 1 |
| Licensed and registered clubs | 2 |
| Local government administration | 1 |
| Manufacturing and associated industries | 5 |
| Market and business consultancy services | 3 |
| Mining industry | 2 |
| Nursery industry | 1 |
| Postal services | 1 |
| Publishing industry | 1 |
| Rail industry | 4 |
| Real estate industry  | 2 |
| Restaurants | 3 |
| Retail industry  | 15 |
| Road transport industry | 7 |
| Security services | 7 |
| Social, community, home care and disability services | 14 |
| Sporting organisations | 2 |
| State and Territory government administration | 3 |
| Technical services | 1 |
| Telecommunications services | 4 |
| Textile industry | 1 |
| Timber and paper products industry | 1 |
| Vehicle industry | 3 |

## Disclaimer

This report should be read in conjunction with the Fair Work Commission information note for Quarterly reports.

In compiling this quarterly report all efforts have been made to ensure statistical accuracy, however minor revisions in figures may occur from time to time. The Fair Work Commission annual report, which is tabled in the Australian Parliament each year, is the official statistical record of tribunal activities for the financial year.

## Further information

If you have an inquiry about this report please contact Elisha Warren, Manager, Media and Communications. Phone 03 8656 4848 or by email communications@fwc.gov.au.

1. Pursuant to section 789FE, the Commission must start to deal with an application within 14 days after the application is made. Matters are considered dealt with where the case management team, acting under delegation from the President, commences making enquiries for the purposes of gathering information for the Panel Head to assess how a matter should be progressed through the Commission, i.e. whether the matter is dealt with by a Commission Member or a staff mediator. [↑](#footnote-ref-1)
2. Applications withdrawn with case management team or with Panel Head prior to substantive proceedings. [↑](#footnote-ref-2)
3. Includes matters that are withdrawn prior to a proceeding being listed; before a listed conference, hearing, mention or mediation before a Commission Member is conducted; before a listed mediation by a staff member is conducted. This also includes matters where an applicant considers the response provided by the other parties to satisfactorily deal with the application. [↑](#footnote-ref-3)
4. Includes matters that are resolved as a result of a listed conference, hearing, mention or mediation before a Commission Member or listed mediation by a staff member. [↑](#footnote-ref-4)
5. Decision made under Part 5-1 of the Fair Work Act 2009 are not required to be written. [↑](#footnote-ref-5)
6. Includes matters that were not made in accordance with the Act or the applicant failed to pursue the application. [↑](#footnote-ref-6)
7. Some applications may be subject to more than one mediation. [↑](#footnote-ref-7)
8. Based on information provided by the parties where contact can be made. Totals will not necessarily add up to the total number of applications received as multiple options may be available for some categories. [↑](#footnote-ref-8)
9. Based on information provided by the applicant in an application. [↑](#footnote-ref-9)
10. “Employees” in terms of business size refers to employees and individual contractors where known and as indicated by parties to the matter. [↑](#footnote-ref-10)
11. Based on information provided by the applicant in the application. [↑](#footnote-ref-11)
12. Based on information provided by the applicant in the application. [↑](#footnote-ref-12)
13. Industries with no applications made not included. As per the Fair Work Commission’s industry panel classifications. [↑](#footnote-ref-13)