

## Review of International Laws Related to Workplace Bullying

Compiled by The Workplace Bullying & Trauma Institute, [bullyinginstitute.org](http://bullyinginstitute.org)

### Australia

Definition: Workplace bullying is "the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice."

#### Under Common Law

An employer is under a duty to protect workers from workplace bullying. This duty exists (1) in tort, for example, negligence – failure to provide a safe workplace, and (2) as an implied term in the employment contract that *the employer would not, without reasonable cause, destroy or seriously damage the relationship of trust and confidence between employer and worker*

#### Industrial Relations Act 1999

Where a worker is dismissed or is forced to resign as a result of workplace bullying ... that person is entitled to an unfair dismissal claim

#### WorkCover (State of ) Queensland Act 1996

A worker who suffers an injury or disease as a result of workplace bullying may submit a claim for workers' compensation.

#### Public Sector Ethics Act 1994

states five "ethics obligations," including "respect for persons." These obligations are intended to provide the basis for codes of conduct for public officials, to be developed by government departments and other public sector entities.

#### Criminal Code

When bullying that involves physical assault or threat of assault, Section 346 of the Criminal Code states: Any person who assaults another with intent to hinder or prevent him from working ... is guilty of an offence and is liable to imprisonment with hard labour for three months.